

THE SWORD *in the* SCALES

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HANS FRITZSCHE

The Sword in the Scales

as told to HILDEGARD SPRINGER

translated by

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and

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With a Foreword by

FRANK OWEN



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"The impartiality of a tribunal of judges must be assured, above all where international issues are concerned. In such cases it may be necessary to be able to appeal . . . to an international court. A person not involved in the case feels uneasy when he sees, after the cessation of hostilities, the conqueror judge the conquered for war crimes."

THE POPE, *October, 1913.*

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FOREWORD

by FRANK OWEN

For an hour and ten minutes the audience has been waiting, watching a closed door.

At ten minutes to three o'clock the court marshal bawls: "Quiet! Take your seats!"

An usher appears at the door, and the marshal bawls again:

"Attention!"

The judges enter, and the court sits.

The scene is a lofty, oblong panelled room in an upper store, of the grey Court-house of Nuremberg. The occasion is the last day of the ten-months trial by the International Military Tribunal of the top twenty of Nazi Germany's living War Criminals. They include Goering, Hess, Ribbentrop, Streicher, Schacht, Seyss-Inquart, Keitel, Jodl, Doenitz, Raeder, Kaltenbrunner, Von Neurath, Shirach, and, of course, Fritzsche.

Two-thirds of the long room are assigned to the Court itself, which is the stage of this final act of drama; the remaining third belongs to the public: three hundred reporters, and perhaps as many more Very Important Persons in the gallery above.

All have plush tip-up seats and the floor is raised, so that everyone may get a good view of the actors. The theatrical atmosphere is intensified by the artificial lighting from the roof. As the long day drags towards evening, with no variation of illumination, a sense of unreality pervades. No window admits the light of day.

Electricians give a last check-over to the radio head-phone device, whereby, while the judge is speaking in, say, Russian, the listener can hear the current translation of his words into English, French, or German, simply by turning a switch.

Look at the stage. In the centre, in the well of the court, sit several scores of counsel, their clerks, the clerks of the court itself, officials, couriers, aides, and all the rest. As a silent chorus, changed in personnel every hour or so, but unchanging in appearance and in function, are the "snowdrops", white-helmeted, white-belted, white-gloved American guards, who range themselves behind the prisoners' dock.

On the right hand sit the judges—two Frenchmen, two Americans, two British (the President of the Tribunal, Lord Justice Lawrence, and Mr. Justice Birkett), and two Russians in Red Army uniform. Sometimes the Frenchmen smile; sometimes the British and the Americans exchange a word. The Russians sit impassive behind their horn-rimmed glasses.

Opposite them, across the court, the prisoners' dock is empty.

The drama in this theatre has long ranged beyond the personalities present; the grand cast is not even living—it is the twelve million soldiers that lie dead on the battlefields, the twenty million civilians, men, women and children, who perished in open graves, in gas wagons, and in torture chambers.

On the stage, for ten months, have been the men who arranged that show. They proclaimed the doctrine of a Master Race: no doubt they believed in it.

Here, on public exhibition, they have made a modest personal advertisement for their wares. Though the dock is empty, it is easy to people it with their figures in the places where they have sat for nearly a year.

Goering, in the first row and nearest to the audience, is fully alive to his situation at the bar not only of this court but of history.

Since he has lost his fat, he looks more than ever like a not over-successful actor, with his puffy eyelids, hard, bright skin, and the soft, feline actions of his hands.

Goering is, in fact, a very good actor, and an even better actor-manager; he has held this indifferent troupe together for ten trying months and today has seen them play a competent last performance.

Almost contemptuously, he lounges with his back half-turned upon his audience. He knows that they are watching him.

Next to him sits Hess; but he attracts attention only when he clasps his head or clenches his fists. He does not listen to the trial at all, but grins to himself and twitches his head from side to side and upwards with the motions of a bird. He has the grey pallor of another world upon him. The man is mad—or else the greatest actor of them all.

Beyond are Ribbentrop, sagging, sallow, but seeming almost in ruddy health beside Hess. Then Keitel, Hitler's soldier, still in field-grey uniform, but stripped of all insignia, grim and wooden. Next, Kaltenbrunner—the giant Gestapo general with the dead-pan of a killer.

At the end of the row are the Jew-baiter Streicher, bald-headed, arrogant, and perpetually chewing, and Hans Fritzsche, with something, still, of the objectivity of the journalist.

Then comes Funk, the squat, ugly President of the Reichsbank, who is accused of hoarding in his vaults the rings and ear-rings torn from the living flesh of concentration camp victims, even their gold teeth.

At the very end sits the ex-banker Schacht, bolt upright, with an unchanging look of indignation and disgust at being in the same dock with these gangsters. To have financed their racket is apparently something else.

In the back row, an arresting figure in navy blue, is ex-Führer Number Two, Admiral Doenitz. He is pale, looks steadily down his long sharp nose, displays his emotions only (but most tellingly) by the long white

fingers which he stretches along the dock rail, or clenches on it. Neither he nor his blunt-nosed fellow-Admiral Raeder exchange a word.

Of the other characters Jodl, the second soldier, with his red, patchy face resembles an ostler; Schirach, the German youth leader, now aged 39, is still in appearance a good-looking, intelligent undergraduate; white-haired von Papen would pass for a cleric.

Only von Neurath, ex-Ambassador, looks like an ex-Ambassador.

Now the dock is empty, and the audience, sweating in the bright lights, watches the closed door, knowing that through it the familiar figures will come, one by one.

The President of the court, small, scholarly, precise, says: "Hermann Goering!"

The door is still shut. It seems an age before it opens. Then two more guards appear and step inside. Between them is the ex-Reichsmarshal.

Dressed in his pearl-grey, badgeless Luftwaffe uniform, he stands easily, fixing the court-room radio headphones on his ears to hear his sentence.

As he adjusts the earphones, the court radio dies on him. There is a painful interlude while he stands flapping his hands helplessly. Two "snowdrops" leap forward to fiddle and fumble with screw-drivers, in an effort to get the current working.

They fumble for minutes, while the court and the prisoner wait.

"Ah!"

"Okay?"

"Yah. Okay for sound now."

Goering straightens. The voice of the Judge begins. . . .

Wait! Goering is shaking his head again. He is deaf again. The "snowdrops" rush forward once more. The prisoner himself bends down to help. The drama trembles on the brink of farce.

"All right now!"

"Okay?"

"Okay!"

The guards look up. Goering stands erect.

Then comes the calm voice of Lord Justice Lawrence asking: "Can you hear me now?"

Goering nods vigorously, and the President proceeds: "Hermann Wilhelm Goering, on the counts of the indictment of which you have been convicted, the Tribunal sentences you to death by hanging."

Goering, tight-lipped for once, remains at attention as the words are read. He makes no sign, takes off the headphones, turns on his heel and is gone.

As he goes through the door, he says something which we in the press boxes cannot catch, though you could hear a leaf fall.

The sliding panel closes. One and a half minutes pass, the time it takes for the barred lift to descend with its convicted prisoner and bring up the next one.

It is Hess. He waves aside the headphones for his sentence, as he has done for much of the evidence.

It takes thirty-four seconds to dispose of him, from the time of the door's opening until it shuts behind him. Sentence: Life Imprisonment.

Next, Ribbentrop. He stands steadily, hands clasped in front of him. Sentence: Death by hanging. . . . The door closes.

Next, Keitel. He clicks his heels. Thirty-four seconds, then: "Death".

So they come, every one-and-a-half minutes. "Death", "Death", "Life Imprisonment".

Kaltenbrunner bows when he receives his death sentence; Jodl, the soldier, glares angrily; Funk, who apologised in his Diary for not killing enough Poles, nods.

Streicher, a surprisingly little man, hardly reaching to

the chest of his guards, sneers; Seyss-Inquart, the Austrian betrayer of Austria, almost says. "Thank you".

Schacht is free. Von Papen is free. Fritzsche is free.

The last prisoner is Baron von Neurath, aged 72. He gets 15 years. I thought one would suffice.

Down comes the curtain.

So ends my story of the sentencing at Nuremberg.

But what was it Goring said, as he went through the sliding door?

One of the G.I. Guards told me, afterwards. He said: "Well, they gave me the top sentence."

But as we know, he cheated them, after all.

So much we have heard and seen and read a thousand times. But what went on, I have often wondered, behind that door? What did Ribbentrop say to Goring when they left the court-room and went back to their cells or their exercise-ground? What was the drama behind the drama in all those ten months? What went on in the *minds* of those men on whom sentence was passed that day?

Turn the page, reader, and you will see.

FRANK OWEN

CHAPTER ONE

Russian Contribution

ON A pitch dark night in November 1945 I was handed over with Admiral of the Fleet von Raeder and a number of other prisoners to the Allied War Crimes Commission at Nuremberg. Von Raeder and I were to be Russia's principal contribution to the forthcoming trial of major German war-criminals.

We had travelled by aeroplane from Moscow to Berlin, and thence by lorry to a desolate and ruined Nuremberg. Here we waited for a long time outside a big hotel by the railway station, then set out again into the night with klaxons blaring on the last short lap of our journey to an unknown destination.

After a few minutes we drew up abruptly and I saw with misgiving high walls rising into the darkness on either side of us. During the journey my captors had promised me that having undergone the terrors of the Lubianka gaol in Moscow I should not again disappear within the walls of a great prison; they had told me that as one of the accused I would be housed in the quarters of the Russian Section of the Commission and from there be taken to court daily. But the nature of the building before us was unmistakable. The lorry's headlights shone on windowless, crenellated walls of tile and stone. From their posts above warders stared down on us. The scene was strongly reminiscent of a backdrop for *Macbeth*.

However, instead of the ghost of Banquo there appeared from the left an American Colonel followed by a number of officers, and from the right a party of Russians who turned out to be members of the Soviet Prosecuting team. The latter, led by a dignified middle-aged woman, hastened

forward at once to greet our escorts and kiss them heartily on both cheeks; then Red Army soldiers, good-naturedly assisted us down from the high truck (we were stiff after the fourteen hours' drive) and I was presented with my luggage: a sheet of newspaper in which were wrapped all my worldly belongings.

The American Colonel now took control of proceedings. With a hundred curious eyes staring at us Raeder and I were ordered to start a double file in front of the lorry's headlights, the obvious intention being to emphasise the more dramatic aspect of our arrival. However when he saw that this manoeuvre was destined to failure the American was wise enough to content himself with simply taking our names, and as soon as this formality was finished we all stumbled off together to where a pinpoint of light showed through the surrounding blackness. Someone struck the balustrade of a stairway with a piece of wood as a warning of the step ahead (a signal I was afterwards to hear many hundreds of times) and we mounted to a massive oak door. The point of light we had been following came from a spy-hole set in this door which now swung inwards, revealing a heavy iron grill. That in turn opened before us, and a moment later we were standing in a narrow lofty hall, with iron galleries half swallowed up in the darkness above and at one end a wooden partition stretching from floor to ceiling. From here we were led along a stone-flagged passage until we came to a place where some fifteen or twenty spotlights blazed to right and left of us on each side of our path. Beside each light stood an American military policeman in white helmet and belt, truncheon in hand. All of them were much too busy to take any notice of the little procession passing behind them; they said nothing and apparently had nothing particular to do; yet they managed to produce both an impression of extraordinary activity and a great deal of noise. I watched them; one glared along the beam of his

light, another moved a grating and rattled a chain; yet another banged his truncheon against everything in reach and then once more peered earnestly down the shaft of light before him.

For about twenty paces, I could make neither head nor tail of what was going on. The men seemed to be behaving as though they were on a film set with shooting about to start. Then a soldier stooped as though he were taking a snapshot and over his bent back I saw a board with the name "Schacht". I understood. One by one other boards were exposed to view, each bearing a name; in one row "Frick", "Streicher", "Schirach"; opposite them "Keitel", "Ribbentrop", "Hess", and many others. This was no film: on the other side of these little searchlights were cells—cages in which human beings were confined, each one illuminated from without, each with its individual warder and name-plate. I shuddered at the thought that I, but lately resurrected from a dungeon, would be forced to stand all but motionless in the glare of a spotlight, not only—as was certainly to be expected—in open court, but here in prison.

Opposite a cell labelled "Goering" the Colonel explained to us that we were now confronted with our new home. He then insisted on accompanying me to my quarters, indicating courteously that I should precede him.

I saw a low stone doorway bearing the number 30. Only by bending low was it possible to enter. Half a dozen functionaries crowded in after me. For a moment we waited in the dark; then, as the door closed, its movement switched on a lamp hanging in the spy-hole and a harsh light lit up the strange faces from below. It seemed useless to try and disentangle this bunch of people—one would get to know each of them soon enough; and I turned my back on the light and on them.

I had first and foremost to regain control of my own feelings; to overcome the sense of disappointment at

finding myself in a prison cell again, and the sheer panic that threatened me when I thought of the formalities still to be faced. I had learnt to dread in Moscow the process a prisoner has to undergo on admission to gaol; it can be the most hideous thing captivity has to offer.

I moved over to where I saw a window and stared out into the darkness, hoping to be left in peace.

The Colonel presented himself before me; in the glare of the light every feature stood out as though graven in stone. The green helmet glistened, the dark eyes in which it was impossible to distinguish iris from pupil, were inscrutable. The man looked the very epitome of militarism. He questioned me while a lieutenant translated.

"Were you given any drugs?"

"Not to my knowledge."

"Were you beaten?"

"No, not personally."

"How were you treated?"

"I would rather not discuss that."

"Were you ill-treated in any way?"

"I do not wish at present to make any statement about my treatment."

"Do you prefer a Russian or an American prison?"

"I should prefer not to be in either."

He seemed satisfied, and enquired if I were hungry, saying that he regretted the kitchen was closed so that he could not offer me anything hot. I was astounded at this.

The Colonel embarked on a conversation which was characterised by a sort of reserved sympathy. From time to time he disappeared to see after Raeder, who had temporarily been lodged in the next cell.

While he was away the interpreter monopolised my attention, asking such sensible political and human questions that I began to be interested and answer readily. It was, of course, an examination, not a fortuitous conversation, but it was nevertheless a relief simply to

•
speak to an interrogator who respected the principles governing human thought and argued along recognised logical lines. The lieutenant appeared to look on me as a criminal, not from any hard-and-fast prejudice, but on the strength of conclusions inevitable once certain premises were accepted. I asked him if he were an interpreter by profession. He answered that he was not, he was working in the prison as a psychologist and in civilian life was a lecturer at Columbia University, New York. His name, he told me, was Dr. Gilbert.

I hardly noticed when they brought my blankets, and when I was ordered to undress there was no further time for reflection. The only thing that worried me when my things were taken away was the possibility that my suit, which I had so painstakingly put together, might be unpicked—as though it mattered! In Moscow, the searching of one's person had been an ordeal. Here it was carried out almost unnoticeably in the course of the meticulous medical examination during which form after form was rapidly completed and put away in a file.

Every time somebody entered or left the room we were plunged in darkness. The American officers took my sarcastic remarks on the lighting and supervision in good part, and explained that such precautions were considered necessary because Dr. Ley had committed suicide in this building only a few days before. Ley had torn his bed-clothes into strips and twisted them into a rope which he had fastened to the lavatory plug; then, sitting well forward on the toilet, he had strangled himself.

When the last visitor had gone the light stayed on for the night, and I inspected my cell. It measured some thirteen by six and a half feet; the window, which only opened half-way, was set high in the wall and was fitted with a piece of opaque glass. The ceiling was slightly concave, giving the place a vault-like appearance. On the right, next the door, was a W.C. minus a seat; against the

wall on the other side of the entrance stood an iron bedstead with a dirty mattress. Walls and ceilings were far from clean and were pitted with deep holes; here and there traces of warmer colour showed through the pale distemper and damp patches spoke of a none-too-good climate; the floor was of stone. This erstwhile German prison had obviously been damaged during the fighting and very sketchily repaired for its new function. Brick-dust poured from a place where the wall had been chiselled away to accommodate an electric cable; though for safety's sake the light itself had been fixed on the outside of the door. The only furniture was a rickety table of millboard with thin legs, nothing firmer was allowed in case the occupant of the cell should stand on it and hang himself from the window, and for the same reason the chair was removed at night—I was told I could have it back in the morning.

Deep in thought I nibbled some cake and made my bed with the five clean American blankets. The crowd of people who had examined me and the animated conversation I had held with some of them had helped me over the shock of my return to prison; I was now able to face the future with calm, and study my situation dispassionately. It was obvious that I had been accused as one of Goebbels' lieutenants, and it was therefore very probable that this cell would be my home till I left it for the scaffold.

On that first night, however—the first of many hundreds in the Justice Prison at Nuremberg—the tension of my thoughts relaxed. I rolled over and shading my eyes with my hand from the glaring light, slept.

CHAPTER TWO

Among Those Present

AS SOON as it was daylight on my first morning in Nuremberg prison the guard unhooked the iron grill to which the lamp was attached and leaned heavily on the wooden shelf that, like the folding flap of a table, protruded beneath his side of the spy-hole. Steadily chewing gum, the young fellow seemed interested in every detail of my toilet; the tin wash-basin, the big wet patch on the floor, the rough towel presented to me on my departure from Moscow. The few physical exercises which I had never missed since the authorities in Moscow had rescinded the order putting me on a starvation diet so excited his interest that he invited some of his colleagues to come and watch, and they commented impartially on the pros and cons of my performance.

I tried not to listen to what was going on behind my back, but I could not help growing slowly white-hot with anger. Fortunately, just at the right moment, a little wooden grandstand under the spy-hole gave way under the weight of the spectators' elbows, and this helped me to calm down. That flap was repaired time and again, but never held for more than an hour or so. When, many months later, I carried water to my successors in Cell No. 30, I rejoiced over the irreparable damage it had suffered, for without its support the guard was obliged either to stoop uncomfortably or else lean against a sharp edge if he wanted to see into the cell.

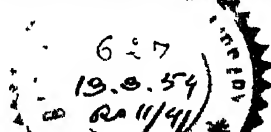
But on this particular morning my mind was principally occupied by a longing to see and talk with my fellow captives. I had come from solitary confinement, whereas the others, as I had already gathered the day before, had

hitherto maintained touch with each other and the outside world. Would they be able to throw light on the downfall of my country?—a matter on which Dr. Goebbels still owed me an explanation. For many years my only connection with our former national leaders (now like myself under lock and key), had been through colleagues and press reporters; and as may easily be understood, I felt I must get into touch with these men with whom—according to the Prosecution—I was supposed to have entered into a conspiracy against mankind.

I looked out past the head of the watcher by the spy-hole into the passage where there was a constant coming and going, very different from the absolute silence that hangs over the corridors of the Lubianka. But many hours passed before the doors of the cells were opened and the guard, beckoning me out with his truncheon, gave the order: "Exercise!"

We went into the courtyard I had passed through the previous night; it measured one hundred and thirty feet by ninety-seven and a half and was planted with trees; the ground was covered with fallen leaves. On two sides lay the prison, on a third was a covered passage still in process of construction and on the farther side stood a high wall, the background to yesterday's theatrical setting and, which I now saw, was overshadowed by a vast building. This building was the Nuremberg Law Courts. Everywhere stood sentries armed with automatic pistols who were further reinforced by the presence of the prisoners' personal guards, each of whom escorted his ragged charge into the courtyard and then stood aside, waiting.

I stared around me in bewilderment. At first I could not recognise a single one of the weirdly-clad men who strolled around in groups always keeping a little distance from the wall. They seemed to have dressed themselves



in strangely assorted selections from the uniforms of every army under the sun.

The first to attract my attention was a figure who, handcuffed to a warder, was kept well away from the other prisoners. He was dressed in a padded German camouflage suit and sauntered up and down with long, slow, mechanical strides. At every step his leg jerked forward as though impelled by a spring, while the stiff wooden stamp of his feet, on which were preposterous floppy shoes without shoelaces, shook his whole body. He walked with his head thrown back; his dark eyes, hollow in their sockets, taking no notice of anybody or anything. Now and again he would make an unexpected movement as if some sudden thought had struck him, then the attendant warder would have his work cut out to catch up with him and straighten the manacled arm which the abrupt gesture had jerked out of position. This was Rudolf Hess, one of Hitler's deputies. Twenty years previously we had spoken to one another for the first time; since then we had not exchanged a word. He certainly would not recognise me now, yet a feeling of compassion made me approach and greet him. The warder waved me away; Hess remained completely uninterested and apparently unaware of my presence.

I looked about again, feeling very lost. Small wonder that no one paid any attention to me, for in that crowd one more or less was of little account. Then I felt a touch on my hand—it was Admiral Raeder. We had met on the aeroplane from Moscow and travelled here together, but had only been allowed to exchange a word or two. Now at last we could have an uninterrupted talk and I soon found myself immensely impressed by the calmness and deep religious humility with which this man was confronting his fate.

For a time we tried to identify our fellow-prisoners; then we separated to go and speak to one or other of them.

But all too soon the order sounded: "Finished!" and the twenty minutes allowed for our constitutional were over. At the signal each warder grabbed hold of his prisoner and took him away to his cell.

CHAPTER THREE

Goering, Schirach, Ribbentrop, Keitel

THE FIRST person I spoke to next morning was Frank, the former Minister of the Interior, whom I found wearing civilian clothes of his own, complete with overcoat and hat. He was the only one among all the prisoners in the yard with whom I had previously had any kind of official contact.

In the years immediately following 1933, when he was still a Secretary of State in the Ministry of Propaganda, Frank would sometimes send for a reporter, such as I was in those days, instead of the head of a department. On the strength of such meetings, I now hailed him as an old acquaintance, but I found he had become a very sick man, at odds with fate, and it was only with difficulty that I was able, even for a few moments, to distract his mind from his own troubles.

Then I went in search of Hermann Goering, a lonely figure in the midst of his fellow-captives among whom Baldur von Schirach alone seemed able to keep pace with his strides.

I must confess that my attitude towards the Field-Marshal was at first one of silent reproach. When the fortunes of war had turned against us he had, so it seemed to me, simply thrown up the sponge and, though he was the second most powerful individual in the Reich, made no attempt to save the floundering ship.

But the man who now took his daily exercise in the courtyard of the Nuremberg prison was a mere shadow of his earlier resplendent and imposing self. His once light grey uniform now hung like a dirty dressing-gown on his emaciated figure; he had been stripped of all insignia of

rank, and the only decent articles of clothing he possessed were one pair of yellow top-boots. Later I was told of some of the offers he had had for them, ranging from cigarettes to regular payments to his family who were at that time imprisoned at Staubing. He never gave up those boots while he lived.

In spite of his appearance, Goering still displayed remarkable physical energy. His face seemed to consist of two deeply-graven lines running from the nose to the corners of the wide, thin-lipped, mouth. When I approached him he would endeavour, vainly, to conjure up a pleasant smile, and would then overwhelm me with questions to which no reply was ever sufficiently detailed. We spoke of mutual acquaintances and of one or two telephone conversations that had passed between us while yet personally unknown to each other. Since the collapse of Germany I had felt as though I were living on another, far-distant, planet but this extraordinary man restored me to a normal frame of mind without my realising it. In the course of the year that followed Goering and I had many differences of opinion; but our friendly personal relationship which began that second morning of my captivity in Nuremberg never changed.

Here too I came to know Baldur von Schirach, the former National Youth Leader. He wore thin black American canvas breeches with baggy pockets and a German camouflage jacket. From our first talk it was evident that he had his own views on the fate which had befallen our country. Perhaps, also, he was the first of us to discern something of the meaning behind the indictment which, at that time, was still a mystery to the rest of us. Thanks to his relatives in the U.S.A. he received American journals through the mail and was thus able to tell me much of what had happened since the time when I had lost touch with the outside world.

Schirach was lodged in Cell No. 29, next to mine. Soon

we were exchanging commentaries, aphorisms, even doggerel, in which we tried to express the thoughts engendered by our experiences—he with genuine artistic skill, I somewhat inadequately.

During the first few days after my arrival I made contact with Ribbentrop, who for the most part of the time I was there remained in his cell preparing his defence, only very rarely emerging for exercise. He used up enormous quantities of scribbling paper, but when his lawyer (whom he soon discarded for another) asked him for real evidence there was not a scrap—all his work was wasted on irrelevancies.

When he did walk in the small courtyard the man who had once been Foreign Minister seemed to wander aimlessly to and fro, pursuing his way with feeble, halting steps, his clothing a patchwork of shabby civilian and military garments, his scanty white hair fluttering in the wind. His face bore an expression of perpetual astonishment, with which was often mingled a certain arrogance. In former days I had loathed his overbearing discourtesy but in the present circumstances such arrogance, though irritating enough, seemed to portray an almost pardonable pride.

At our first meeting I plied him with questions about the days immediately preceding the outbreak of war. I was particularly interested to hear what he had to say on the subject because of certain allegations made to me by Dr. Goebbels, according to whom the Foreign Minister had represented to Hitler that the British were a nation of degenerates who would never start a war with us simply on account of Danzig, and who, notwithstanding their undertaking to that country, would inevitably leave Poland in the lurch. Now, in Goering's presence, Ribbentrop solemnly denied having ever uttered these frivolous and fateful words, and swore that they were a pure invention of the Propaganda Minister's. He had, he said,

been aware of the calumny for a long time, and it had caused him much embarrassment: he declared that he had never left Hitler in any doubt that a conflict with Poland would mean a declaration of war by Britain and France.

Another acquaintance made during the course of these early days in Nuremberg was Baron von Neurath, Ribbentrop's predecessor. He carried his years well; and the ridiculously short, padded army jacket he wore did nothing to lessen his smart and soldierly bearing. He was soon to be my neighbour in the dock and I came to take a great liking for this diplomat who seemed to have his roots in a more stable era. He helped me to overcome the shocks and emotions of the months that lay ahead in a way that was almost fatherly; but when during the final days of the trial he himself, completely discomfited, faced catastrophe and utter downfall, I, alas! lacked the strength to repay the help he had given me and stand by him in his hour of need.

Keitel, who wore his Field-Marshal's uniform without insignia, trotted up and down with tiny little steps, hands clasped behind him. Formerly he had delighted in small-talk about the weather and field sports, but in the early days of our Nuremberg captivity it was difficult to get even the simplest reply out of him; he seemed to be in a state of slow inner ferment.

General Jodl, also in uniform, moderated his long stride only to make terse remarks; his questions were precise and his replies sharp and caustic. Whereas Keitel, for all his bewildered taciturnity, remained courteous, Jodl displayed a formidable reserve.

Papen, with whom my acquaintance dated from Istanbul days, greeted me with every manifestation of friendliness. He had always been a keen believer in exercise and now made the best possible use of our all too scanty break, walking rapidly back and forth from one

end of the courtyard to the other. When I expressed sympathy that he, a non-Nazi, should be involved in these painful proceedings he answered with a faint smile: "I pray God that He will prolong my life by whatever time I must spend in this place." His words echoed over the dreary courtyard.

Dr. Schacht was by no means resigned to his fate. Cold, aloof, nearly always alone, he took his exercise slowly in the centre of the yard. But after our first conversation I realised that this outward frigidity was deceptive; inwardly, Hjalmar Schacht was seething with rage at having been committed from a Third Reich concentration camp into American custody, and thence to prison and trial. He did not merely hope for release, he demanded it. When I began my courtesy calls on my fellow-prisoners I was cheered by the feeling that I was no longer alone; and in the course of this round of contacts I became conscious of something else; the need to know what sort of men my twenty co-defendants actually were, to learn both about their former activities and how they were now adjusting themselves to their present condition. Above all I wished to find out how they were likely to be affected during the coming months by the heavy pressure of the trial; for though I, too, was to be an actor on that stage yet in a curious way I felt myself at the same time one of the audience.

The American prison psychologists were there to study us. They were well equipped with scientific technique and they approached the inmates of the twenty-one cells with the enthusiasm of a bacteriologist for a slide under his microscope. The resulting studies of our characters were subject to the supervision of politicians who were later to persecute their defeated enemies long after sentence or acquittal had been pronounced. The scientists themselves were zealots—and made no bones about it. I myself was already committed to a particular view of the case. I, too,

laboured under a prejudice, but my prejudice was in favour of the men who, like myself, were accused and discredited. Yet I had formerly blamed many of them; was I, I now asked myself, justified? Increasingly I endeavoured to rid myself of antipathies founded simply on hearsay: henceforth I took up a position absolutely opposed to that of the world and made a resolution never to judge these men to whom I was bound by a common fate save by the evidence of my own eyes.

•For this reason I extended the hand of fellowship to Streicher and Frank, two men whose acquaintanceship—usually much sought-after—I had up till then refused almost with abruptness, because of their previous activities.

Julius Streicher limped about the yard with his hands deep in the pockets of a pair of canvas breeches; on his head he wore an object which looked like a Phrygian cap but on closer inspection turned out to be a distorted specimen of standard Wehrmacht headgear. His former Gauleiter of Nuremberg gave me a naively sentimental account of his flight after Germany's collapse, and related a long story of how he and his wife had made an abortive attempt at suicide. After a few weeks' acquaintanceship it became evident to me that this man's fundamental characteristic was not overpowering fanaticism but plain obstinacy; for all his sly and knowing appearance he seemed incapable in his present circumstances of turning his abilities to account, simply from sheer lack of mental flexibility.

Frank, the former Governor-General of Poland, presented a strong contrast to the loquacious Streicher. •He wore a taxi-driver's tattered waterproof with the dignity of a king and appeared almost impervious to human contact; other people's lamentations, hopes, anxieties interested him not at all. For him yesterday's pomp and today's rags were merged in a single tragic

contrast; his downfall obviously caused him intense suffering, yet at the same time he could not help admiring its completeness; the artist in him found pleasure in contemplating the drama of his existence. With real pathos he would recite tragic verse drawn from the recesses of an inexhaustible memory.

One day when I had left these two to continue my round of the courtyard, Streicher hurried after me. Plucking me by the sleeve, he asked if I would jot down for him some lines of Holderlin's that Frank had just quoted:

"Holy Being—oft have I disturbed
Thy golden, holy rest. And of the hidden,
Fathomless graces of life, much hast thou learnt
From me!
O, I entreat, forget, forgive the wrong!
Like to yon cloud veiling the tranquil moon
I must go hence; but thou, O exquisite Light,
In thy sweet radiance shinest forth anew!"

Day after day Speer and I would walk up and down together. I find it difficult to determine what it was that made him so attractive to me. Was it the cheerfulness which, despite the serious side of his nature and our present circumstances, he showed so unfailingly? Was it his dispassionate attitude to life or his readiness to acknowledge responsibility that made him so congenial? Even the guards liked him, though some of our fellow prisoners deliberately cold-shouldered him.

Anyone passing from one group to another in that exercise yard soon became conscious that he was crossing invisible frontiers. The little crowd of representative prisoners selected by the Allies was certainly not homogeneous—it was not intended to be—but as the trial ran its course not only the differences that separated us but also the bonds of feeling which united us became more and more apparent.

Sometimes I joined Admiral Doenitz, who strode about the yard at a smart pace, and still evidently attached a certain importance to his position as last Supreme Commander of the German Reich.

Frick, like Frank, a former Minister of the Interior, appeared thoroughly intimidated by his situation, and would ask one a thousand questions the answers to all of which were perfectly obvious.

Rosenberg wore an overall like a member of the Tank Corps. I remember a long conversation I had with him which led nowhere because he categorically refused to admit that my experiences in the Soviet Union could be in direct contradiction to his notions of the system prevailing there.

Sauckel was absent-minded; his thoughts were centred on his family whom the authorities were contemplating handing over to the Russians.

I had a number of interesting and important talks with Seyss-Inquart. I had met him on occasional visits to Holland in the past and had found him a discerning and courageous critic of various abuses in the Third Reich. Now, however, he refused to countenance the slightest criticism of the past: true, he defended nothing that he had previously condemned, but at the same time he avoided the slightest expression of disapproval. He seemed to have closed his mind to the fact that he had belonged to the system by which he had risen to power and that that system was now responsible for his downfall. I was to have a good deal more to do with this man, who permitted no interrogator, no psychologist, and only very few of his fellows to penetrate the mask which he assumed in Nuremberg.

One of my fellow-prisoners, the last I shall describe here, soon attracted my attention. He was a tall, heavily built man in a reefer jacket and cloth boots, who, with his hands deep in the pockets of his baggy breeches would wander

from group to group to none of which, it was obvious, he belonged. He had a pale horse-like face, his hair hung in lank streaks and his mouth, disfigured by a scar, was always half-open; his expressionless eyes shifted hurriedly from one object to another. I enquired his name: it was Kaltenbrunner. When after several postponements I finally made up my mind to accost him, he had disappeared. Excessive inner agitation had brought on a cerebral haemorrhage and he had been taken to hospital, by the time he returned no more talking was allowed during daily exercise.

One day the Commandant issued the first of the endless series of edicts which entirely reshaped our prison life. In it he stated that the Tribunal had promulgated no order obliging him to allow communication between us, and that accordingly prisoners would henceforth be kept incommunicado. Groups in the courtyard were taboo; we were to take our walks singly with a distance of ten paces always maintained between us.

From this time on the guards kept so sharp a look-out that even whispering was impossible and the most rigorous steps were taken to prevent contact of any kind. Even in the shower-bath cubicles, which accommodate two bathers simultaneously, a warder stood just far enough away to ensure his not getting wet, but close enough to prevent a single word passing. If one of us, goaded beyond endurance, shot a stream of water at him, he would take a pace back uttering the command: "Nix spräken" (No talking), in a strong American accent.

This ban struck us as being highly unjust, since a joint accusation demands a joint defence. In addition, it put a stop to many interesting discussions which had only just started. The subject of our conversations may seem to many people today incomprehensible; but it is a fact that in November, 1945, the defendants in the trial of the Principal War Criminals were debating in all seriousness

whether the charges against them would go through. The indictment seemed so monstrous to the individuals most concerned that they failed to recognise its fundamental significance. The attempt to brand as criminal—jointly and severally—the government of a great power, even if it were a defeated power, is without parallel in history and many of us, therefore, failed to realise that we were up against a conscious ideological conviction and imagined the trial to be no more than a demagogic measure due to Allied war propaganda.

Before their transfer to Nuremberg most of my fellow-captives had been in Mondorf prison. Their quarters there had been known as "The Dustbin", but must have been rather more comfortable than the name suggests. They had enjoyed a number of privileges and the British and Americans had engaged many of them as skilled workers in various jobs, which had given rise to hopes of re-employment on the reconstruction of Germany. When the ex-Mondorf prisoners were suddenly confronted with the complicated charges of their indictment many of them assumed that the accusations had been staged simply in order to help throw light on the workings of the former Government.

The weirdest among weird opinions was expressed by Rudolf Hess. Though free to speak he seldom opened his mouth; but when he did so he let fall enigmatic hints about vague, cataclysmic events in the near future; the trial, he averred, would probably be broken off before the end; in any case, there would certainly be no death sentences. If questioned closely as to his reasons for this belief Hess would indicate, mysteriously, that he was in possession of facts which provided a key to the whole situation and would communicate them when the time was ripe. If one wanted to know any more he would shut his mouth like a trap and his face would take on a blank expression.

At first we attached a certain importance to these pronouncements: later, however, no one took them seriously. Others visualised similar Utopian endings on far less absurd grounds; they speculated as to the likelihood of political conflict among the Allies. One man stood out from the first against all such hopes: Hermann Goering. Hess he simply laughed at, telling him to his face that he was crazy and saying aloud to the rest of us: "The man's drunk." Again and again, both in himself and in others, the Field-Marshal squashed our fear-begotten optimism. "I have looked Death in the face so often," he would say, "that he's no stranger to me. As a commander I have had to send so many soldiers to their doom that I myself dare not quail before it." The only comfort he extended to his companions was an exhortation to accept their fate with courage. The slogan of Prisoner Number One was "The only thing you can hope for is a *marble* sarcophagus."

When two or three of us got into conversation we frequently discussed who was to blame for the disastrous political and military developments which had led to the downfall of our country; but blameworthiness in the sense of the indictments was at that time scarcely mentioned. Did anyone assert that he was innocent of any particular war crime, Goering would interrupt bitterly: "We lost the war—that is our crime." Later, however, the tone changed; the problems confronting us were too manifold, too varied, to be dismissed with an epigram or a brief statement of personal faith.

But all such discussions were cut short by the order enforcing silence in the courtyard. Only on one occasion were they, in some sense, resumed for a few seconds. It was an American national holiday in honour of which there was a parade. Aircraft suddenly roared overhead; we stood still and stared upward. A guard bore down on us, shouting: "Move on there! That's none of your business. We won the war, not you!" Goering broke the

silence rule and spoke aloud: "Yes," he said, "but that's no merit of yours and no fault of ours!"

In the dock, where it was impossible to enforce the ban on speech, the same arguments dragged wearily on. Like an ever-lengthening scarlet thread, our dispute pursued its course for the eleven long months of the trial. The particular points at issue might vary; the background remained the same—the question of life or death for each separate one of us.

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CHAPTER FOUR

The Russians Forge My Signature

THE PREPARATIONS for the coming trial did more than anything else to keep us all on the alert. For one thing we were awaiting anxiously the arrival of our defending counsel; for when, on the 18th October, copies of the Allied indictment were served on us we had been given at the same time a list of counsel among whom we could make our choice—though we were not actually bound to do so. In principle anyone in Germany who was admitted to the Bar as a defending advocate could appear before the International Military Tribunal.

I had put a mark against the name of a lawyer well known to me; but as the Russians mixed up Raeder's application with mine a most unholy muddle resulted and I found myself without any legal adviser at all. Then, finally, just before the trial opened, a certain Dr. Fritz who happened to be passing through Nuremberg, was summoned to the Law Courts and asked if he would accept the brief. He agreed, and the following day I was told that he was waiting for me in Room 55, a number that meant nothing to me at the time, but which later came to hold a very definite significance for all inmates of the Nuremberg gaol. The only contacts we had with the outside world took place in that room.

When I was first summoned there I found simply a dark gloomy apartment furnished with four plain tables, at each of which a prisoner sat next to his lawyer, the watchful eye of the guard ever upon him. A few days later some resourceful person got to work on the place. The result was fourteen tiny cells, each divided in the middle by a small-meshed wire grating; in one half sat the

prisoner and his guard, in the other the lawyer. Anyone looking for long through the sieve-like partition became giddy and in time actually seasick; however this optical torment was relieved after a little while when part of the grating was replaced by a pane of glass, through which lawyer and client had an undistorted view of one another.

When this reform had been made I found that one's best course while in consultation with counsel was to rest eyes and voice alternately; a practice which had also, incidentally, a beneficial effect on the nerves of one's neighbours in the next box. But on that first day there were no such distractions and I was able to explain to Dr. Fritz without any preamble that I had no money for his fee and did not know where to lay hands on any. He replied that the matter was already settled; the International Military Tribunal paid for the defence of the prisoners brought before it. He would receive 3,500 marks a month for each client he defended as well as a weekly allowance of American cigarettes (which at that time was worth 800 marks), office equipment, soap, and a maintenance bonus consisting of certain meals. Recognised assistants such as lawyers' clerks enjoyed similar facilities; moreover quarters were assigned to the defence and fuel (and in cases of necessity petrol) was supplied gratis. At the time I marvelled at such generosity; later, however, it transpired that these concessions scarcely sufficed for the needs of certain counsel such as those, for instance, who called on to undertake the defence of entire organisations. These men sometimes required material for the conduct of their cases which entailed journeys all over the country with a number of assistants, collecting legal depositions.

I soon came to an agreement with Dr. Fritz; but the question of my defence was a difficult one. In spite of earnest study I was still not clear as to the nature of the charge against me. There were no documents or other

formal evidence and all our early discussions led me to the same conclusion—that I ought to try to convince the Tribunal of the plain absurdity of any accusation that I had influenced Hitler or entered into a conspiracy with him. Hitler scarcely knew me! It was only with difficulty that my lawyer was able to make me realise the inadequacy of this argument.

I knew of no witnesses I could call upon. My superiors were either dead or had disappeared; my colleagues were scattered far and wide. I therefore asked Dr. Fritz to approach the Prosecution and enquire what charges supported by personal testimony they were preferring against me so that I could prepare the necessary material to refute them. At that time we all assumed that the trial would not last more than a week at the outside.

Dr. Kemper, principal assistant to the American chief prosecutor, replied to the effect that I need not be in any hurry; I should know all in good time what they had against me and there would be ample opportunity to consider my answers. Since this indicated a long-drawn-out trial I resigned myself and let matters take their course.

During these weeks the only witness to come forward on my behalf was Moritz von Schirmeister, Dr. Giebbels' press reporter, whose action was purely voluntary. He knew about my connections with the "Management" better than anyone because I had been in the habit of asking for his help when I wanted to take up a matter with our superiors, and he wrote to the Court from an English prison saying he could testify that the charge against me was without foundation. I heard subsequently of other similar offers to give evidence on my behalf, none of which ever reached me; nor were any of these potential witnesses ever examined. Instead, the authorities—at first without my knowledge—instituted a thorough search for the gold, negotiable securities, bills of exchange, and

diamonds which I was supposed to have transferred abroad, and about which all sorts of people were questioned and cross-questioned for months on end. When at length the matter was brought to my notice I simply stared blankly at this complete misrepresentation of my former financial position. At first I resented it; later, however, the subject became an inexhaustible source of merriment at court hearings.

On the occasion of our first interview I asked my counsel to approach the Russian representatives on my behalf, and make urgent representations to them against the use of a deposition which I had signed in Moscow in peculiar circumstances. As a result, on the following day, I was taken into a large, light, almost attractive room. A couple of unbarricaded windows afforded a view of the prison buildings which from that angle looked innocent enough. The only furniture consisted of a table and some chairs; the walls were covered with loosely-woven, canvas-like material. In those days I made the mistake of thinking I was inured to cross-examination; I glanced contemptuously at the walls as I came in and thought to myself: microphone. Then, next to the telephone on the otherwise bare table, I noticed a small, entirely superfluous, box of unpolished wood. As if by accident I brushed against it: it was screwed to the table.

An American officer entered, to start the first of a prolonged sequence of western-style examinations which were the sequel to the unending series of eastern ones I had already undergone. The hearing was quickly over. The interrogator put his questions from the point of view taken up by my examiners in Moscow though in a different manner, and when I gave the usual answers shook his head and said he would have to go over the same ground again as this was not getting us any further; he then cut short the interview and I was conducted back to my cell. A few hours later I was brought back to the same room,

now full of people. In the rear of the room were members of the American, British and French prosecuting teams with their stenographers: I was told to sit down, with my back to them, at the empty table. Then about a dozen Russian officers in full-dress uniform came in, headed by Colonel Liachev, who had cross-examined me in Moscow and afterwards brought me to Nuremberg. He shook hands almost cordially, asked how I was, and sat down facing me. We smoked as we talked; in the background I could hear every word being translated three times. When I indicated that, contrary to his promise (or, as I politely put it, his "prophecy") I was again in prison, his tone became less friendly. Almost imperceptibly and with consummate dialectic skill he steered the interrogation into the sort of discussion that had so frequently taken place between us in Moscow. He enquired about my propaganda against enemy governments and I admitted it; then suddenly I realised that my supposed anti-foreign agitation, i.e. against the Russian, British, French and American *peoples* had once again become the subject of debate. I protested that I had never stirred up ill-feeling against the *people* of any country, and used almost the identical expressions I had employed in the Lubianka. I had certainly not learned them by heart, but so exhaustive had been my self-examination that they had remained unaltered. Liachev could not but notice it.

Both of us were conscious, too, of something else—the completely different *timbre* of my voice. In Moscow my words had been the last effort of a helpless and debilitated man confronted with dire threats; the lifeline to which he clung in a whirlpool of hostile argument. In my present surroundings they had become a rock on which it was possible to take a firm stand. The murmur of the interpreters' voices behind me made me certain that manifest truth could no longer be ignored. After half a lifetime of political activity the fundamental differences between

East and West, upon which I had so often reflected, were revealed to me in those few minutes from an entirely new angle.

I could not see the face of the Russian, who sat with his back to the window; all the more carefully therefore did I study his hands, one of which, fairly well under control, held a piece of paper, while the other, balancing a cigarette, moved incessantly up and down. Would my opponent give up a fight that, in the changed circumstances, had become hopeless?

No. He spoke a few words in Russian and a thick volume, containing all my broadcast talks in German, was handed me. I was made to read a sentence on one of the last pages, which I immediately recognised as genuine, and in which I warned the Allies in the light of actual events to exercise a different kind of justice in the occupied parts of Germany from that which they claimed the right to administer in their own dominions. By distorting the sense of these words, Colonel Liachev asserted that they constituted pro-Werwolf propaganda—which meant armed resistance to the Occupying Powers and the consequences of which were doubtless well known to me.

Was he trying to intimidate me? I corrected him: the sentence in question had been spoken before the end of the war, and though I made so bold as to question the right of those who extolled the heroic deeds of Partisans and *Maquisards* to declare the Werwolf association a criminal organisation, there had never been on my part any idea of canvassing for them.

I waited for the next question.

"Do you know this signature?" He showed me a document.

"Yes; it's my own."

Liachev looked around triumphantly. "Then we can dispense with all further enquiry. You acknowledge the deposition signed in Moscow."

"No, I do not. The only genuine thing about it is the signature. I promised you, Colonel, on the journey to Nuremberg, that I would acknowledge that signature as mine. You know that in Moscow, you submitted to me twenty-two depositions against my present fellow-prisoners at a time when I knew nothing of an impending trial and you know that I declined to put my signature to those statements—statements which I had never made. You know, too, that after three days and three nights I signed a twenty-third deposition, one against myself and you will remember that I did so only after some twenty alterations had been made on so-called points of honour. Curiously enough, these alterations are now missing. In addition, you know that I made the following declaration:

'I declare that no question was put to me and no answer given by me in the form in which it is set down here. I confirm the incorrectness of the wording of this deposition throughout its length. I sign solely in order that the three-man tribunal, which twice a month pronounces sentence without examining the accused, may "with a clear conscience" write "Sentence of Death" under my name by way of discharge. Then at last I shall have peace. If, however, you publish this supposed deposition it will do you no good, for no single person in Germany and no intelligent individual in France, Britain or America will believe that I ever said anything of the kind.'

In the present circumstances, Colonel, I can only reaffirm the declaration which I made to you then."

Both Liachev's hands were now fidgeting. Courteously he pressed Russian cigarettes upon everyone else present: he did not offer me any. I realised what had happened in that moment; for the first time a "confession" conceived and manufactured in the mysterious darkness of the East was being subjected to the impartial light of the West.

It did not stand the test: worse still, it required no refutation to brand it as invalid. The mere reaffirmation of the declaration I had made at the time of signing was sufficient. My declaration had exposed the whole stupefying terror which makes a prisoner in the East long for death as for a deliverer.

The Russian Colonel tried to save his face by means of further argument, but I gave him of my own free will all he had been hoping to obtain after a hard struggle, namely confirmation that I had not been flogged and that the signature before me was genuine—even though in fact I had appended it to a typescript with hand-written corrections, whereas it now appeared on a document drawn up in pen and ink, and without corrections. But there seemed no purpose in investigating this remarkable phenomenon any further, my signature had been so skilfully transcribed that any graphologist would have sworn it genuine.

Instead, and without any trouble, I extracted from the Colonel confirmation of the fact that I had indeed made such a declaration in Moscow. In addition he implicitly admitted to the intently listening Western audience that it is the custom in Russia to draw up a deposition in the words, not of the person making it, but of the examiner. He then said that he had no more questions to ask.

Whereas he had shaken hands with me at the beginning of the proceedings, Liachev did not now vouchsafe me so much as a glance and at the end of the interview I stood forlornly in the midst of a crowd of people who had been listening to me but now seemed suddenly oblivious of my existence. Eventually the guard spotted me among the departing throng and ordered me to "Get on!"

The next day, through my lawyer, I requested to be allowed to examine the volume of my broadcast speeches which had been shown me. The reply came back that they were not available. Later, as the result of my repeated

request, the Court ordered them to be produced. The order, however, could not be carried out as the Russians then declared that the material in question was not in their possession. Even when I stressed the fact that I had been shown the book, in this very building, in the presence of numerous members of the western prosecuting teams the reply was the same: "It is not here."

For the whole of my defence I had to make do with a few extracts from my talks which the British radio had, on one occasion, made use of for its own purposes. These had been translated into English and were now re-translated into German. The double translation had so distorted the sense of many words they had become unrecognisable.

CHAPTER FIVE

Life Behind Bars

DURING MY first few weeks in Nuremberg gaol I managed to adjust myself to some extent to this new form of captivity. I cannot say that I got used to it, for that implies a certain resignation and I was never resigned to any loss of liberty.

The most striking innovation in my existence as a prisoner was the constant presence of the guard. The three men assigned the duty of watching me relieved one another every three hours, the first shift of the day coming on duty at 8 a.m.: these guards were mere boys; not one of them appeared older than twenty-one and some of them looked barely nineteen and they were all as frisky as colts. In different circumstances the still perceptible signs of boyishness in them would have been amusing, though they lacked something of that which, in the old Europe, would have been regarded not as repression but simply as good breeding. In any event they were definitely not of the right material to make good prison warders.

Left to themselves, they would soon have got on friendly terms with any prisoner who appealed to them; but the authorities had taken good care to prevent anything of the kind and had primed our guards about us in such a way that their entire natures were changed when they were dealing with their charges.

One morning at the time when the trial was just beginning, I was busy washing when I heard a "Psst! . . . "Psst!" I turned, but saw no one; the peep-hole was empty—or was it? No, there was something framed in the opening. I dried my eyes, put on my spectacles and saw—a model gallows! A thread quivered and a figure

bearing my likeness (a photograph cut from an illustrated paper) was drawn up and swung from the little gibbet. When I made a movement to snatch this proof of human tact and sympathy, a soldier who had been hovering outside grabbed the thing and bolted. The next moment my guard approached from the opposite direction with the most innocent expression imaginable and gazed at my wet face in apparent astonishment. Mad with rage I bellowed at him that he was a shining example of gentlemanliness and fair play; first he incited others to play a vile practical joke, and then pretended to know nothing about it! The boy blushed furiously and begged me not to give him a ray. When the officer came on his rounds I kept silent, plunged my face once again into the cold water and gave no sign of anything being amiss. Gradually, as my anger cooled, I realised that it was not a case of deliberate cruelty but simply the result of the unconscious indoctrination practised by the Allies.

A few days later, however, the whole affair came to light. It appeared that some of the other prisoners had also been victims of similar amiable attentions and the Commandant summoned us all to the courtyard and demanded that, in future, any such occurrence should be reported.

There were several other instances of amazing behaviour on the part of the guards; the day, for instance, when Goering asked for the chair which was brought back from the guard room and replaced in the cell every morning. The guard was sitting on it, playing the fool with his truncheon, and he took not the slightest notice of Goering's request which was made in English; whereupon the Field-Marshal leant out of the peep-hole, touched the man on the shoulder and said distinctly: "Give me that chair, please."

Instantly the soldier leapt up, thrust back the bolt of the door, and forcing his way into the cell began to

belabour Goering with the truncheon which, only a few minutes before, he had been playing with as though it were a toy. I was afraid that Goering would snatch the weapon from the young fellow's hand and throw him out—judging by their comparative physiques it could easily have happened—with the risk of all kinds of misconstructions and unforeseen consequences arising. It was probably for this very reason that Goering kept perfectly quiet, only raising his arms above his head as protection as each blow from the club jerked them down to shoulder-level. I witnessed every detail of this scene which took place in the doorway of Cell No. 5, immediately opposite my own spy-hole.

At length, following my repeated shouts for the officer in charge, the Lieutenant on duty emerged from his office and, seizing the enraged guard by the arm, led him away and sent a relief.

That was the only case of actual violence. All the same, every time the guard was changed I looked anxiously to see who my new Cerberus was to be, for it was only too evident that identical orders could be very differently interpreted.

No one can expect a young soldier to stand motionless for hours on end; he must obviously find some sort of occupation, and he is unlikely to mind whether it is a quiet one or not. But it made all the difference to us how our guard employed his spare time. If, for instance, he whistled incessantly outside one's cell it was often enough to upset one's entire day. At night it mattered even more; the spot lamps illuminated our cells all night long and almost everything depended on whether the guard chose to direct the light on to our heads or our bodies as we lay in bed. More disturbing still was the flashing of light over one, a treatment that never failed to wake the soundest sleeper. But worst of all were the night noises; we would imagine that we had endured every conceivable

variation of sound but there always seemed to be a fresh one.

No clanking steam-engine can compare with the step of a hobnailed boot on flagstones close to one's ear when one is longing for sleep, though things are not much improved when the rhythm is broken by the rattling of the chain at a spy-hole, the jingling of keys, or the bullfrog-like croaking of guards' voices humming in unison some tune from the previous evening's concert party. Sometimes one youth would make a remark, another would get a bit above himself and a regular competition to see who could make the most din would follow. Each sound in itself was harmless enough; collectively the effect was like that most cruel of Chinese tortures the continual dropping of water till the victim is driven mad. If a prisoner demanded or begged to be left in peace it had no lasting effect even in the case of the more intelligent guards, and with the ill-natured ones it simply caused more row than ever. Our best course was to keep perfectly quiet until sheer exhaustion got the better of frayed nerves; but it cost something! In the end I used to stuff cotton-wool in my ears and, if possible, take something to make me sleep. Everyone knew it was no good getting upset; but to practise what one preached was no easy matter.

Like almost everybody else, Jodl, Ribbentrop and Streicher were driven nearly crazy by these disturbances. I, on the other hand, suffered even more from another infliction—the rule that one had invariably to face the warder, which meant that at night I had to lie on my right side. It is possible to go to sleep in a certain position if necessary; but nobody can guarantee that he will not turn over while he is unconscious. Someone had issued an order that anyone with his back to the guard was to be wakened, and, since the guard might not enter the cell, this command was carried out either by shouting at the sleeper or by prodding him with the long pole used for

opening windows. On the face of it the regulation seemed harmless enough: in reality it imposed an indescribable strain. Doctors, clergymen and lawyers all pressed for its repeal, but in vain. Where security measures were concerned our captors were masters, and remained adamant, declaring that the rule was an indispensable part of the precautions against suicide and that anyone revoking it must take responsibility for whatever might follow. Naturally no one was prepared to take such a risk, and as a result, the guards, who were at heart good-natured fellows, became a veritable scourge. Their responsible position went to their heads and as long as the trial lasted they seldom missed a chance of demonstrating their efficiency.

There were none the less quite a few of them who, at a pinch, would be satisfied with a glance at the back of a sleeper's head; but there were others who took their orders quite literally. I remember one night when I was trying to make up for lost sleep with the sleeping-draught which was but seldom allowed. Within a marvellously short time I sank into unconsciousness; but for some reason or other I unwittingly turned over on to my fatal left side. A prod from the stick awoke me; again and again the same thing happened and each time it became harder to overcome the bitterness which is infinitely more destructive of repose than outward disturbance. In addition the effect of the sedative was gradually wearing off; each time I was taking longer and longer getting to sleep.

Then, just as the metallic note of the prison clock struck four and I realised with dismay that in a few hours I should have to face a prosecuting counsel who had enjoyed a good night's rest, just, so it seemed, as I was still wondering how I was going to keep my wits about me when the day came, that stick poked me awake for the twentieth time—and my self-control gave.

Shouting with rage I flung aside the blankets and sprang out of bed. The guard, who now had good reason

to keep an eye on my movements, raised the lamp so as to get a better view and flattened his nose against the grille. I seized my wash-basin and flung its contents at his face; with a clatter the lamp was extinguished and I heard him curse. As he did so I experienced a deep feeling of relief and satisfaction, even though I was fully aware that I should be punished.

Instead the guards from the neighbouring cells came and congratulated me on my excellent aim. Their comrade was soaked to the skin. Respectfully they offered me cigarettes. I scarcely knew whether to laugh or cry; who could have foreseen such an ending to my act of defiance?

But it meant nothing. A few days later, despite violent opposition, Dr. Schacht was snapped while eating his dinner. The fellow with the camera hovered close to the protesting financier, openly rejoicing at the prospect of getting a picture of him in a towering rage. Schacht took up his cup and hurled the coffee at the persistent photomaniac; only a few drops splashed the sleeve of his uniform but Schacht was sentenced to go without exercise, tobacco and coffee for weeks on end.

The most curious feature of our captivity was the passion for autographs. Prisoners gave not merely a few hundred, but several thousand autographs in the course of the Nuremberg Trial. Every guard wanted autographs for himself and his friends, for his parents, brothers and sisters, wife, fiancée—or simply for re-sale! Many of them asked politely and their requests were granted; others demanded them bluntly, were refused, and resorted to other methods.

Some of us had the wits to turn this craze for autographs to good account and demanded cigarettes in exchange; others imposed special conditions. For instance there were illustrated mementoes of Nuremberg with pictures of the old town, the present ruined one, the cells of the principal

War Criminals, and the local night-club with its bar. In the appendix were printed the text of the individual charges against the twenty-one of us. Autographs for this brochure were especially sought after, but I gave mine only on condition that I was allowed to cross out the charge against my name and write "Nonsense!" in the margin. Nobody raised any objections.

CHAPTER SIX

Intelligence Test

CERTAIN PEOPLE played a particularly important part in our prison existence, first and foremost among them the doctor who visited us every morning.

Dr. Pflückner, an elderly and much-travelled man, was a German prisoner of war who had formerly practised at a well-known watering place. Although a "supervisor" accompanied him on his rounds, he enjoyed the confidence of the Commandant to such an extent that he possessed a pass key to our cells. He had little medicine at his disposal, but an inexhaustible supply of friendly words and from one cell after another one could hear his professional, but cheerful and encouraging voice enquiring "Well—and how are you this morning?"

Each week he was issued with a few cellophane packets of U.S. Army "K" rations which he divided as he thought fit, and in the most friendly and charming way, among the worst cases of malnutrition. To one he would give the microscopic cakes, to another the slice of currant bread and to a third, one of the three cigarettes.

The mere notion that this man could wish to poison anyone was ridiculous; but Hess, who lived in perpetual fear of being poisoned, could not bring himself to trust even Pfluckner's gifts. One day, in the dock, this former deputy of Hitler's passed round a note asking which of us would be prepared to offer himself as a subject for experiment. I said I was willing and Hess having pledged us all to silence told us that the German doctor had given him some suspicious-looking sugar. He then produced an original American packet containing something less than an ounce. I opened it and tipped the entire contents into

my mouth, whereat the suspicious Hess grew very alarmed. Next morning, when he asked how I felt I made a long face and murmured something about slight internal discomfort, adding that such an infinitesimal quantity wasn't really enough to go on and that I had better try again the next time the doctor offered him sugar. He took it dead seriously and actually offered me his next packet. I hadn't the heart to deprive him of it, so on this occasion Goering ate it—he certainly had no illusions about the matter!

Many people said that Dr. Pfluckner was insufficiently persistent about getting hold of medicines for us and arranging the rapid admission to hospital of the more serious cases. It is true that two ex-Ministers, Blomberg and Selte, as well as one or two other witnesses had died; and it was said that by the time they had been taken to hospital their condition was already hopeless. But the German doctor's view was that it mattered very little whether a man died in his cell or in hospital; and none of us cared to make requests that could be avoided, for the very act of asking invariably started an argument on the subject of Germany's collective war guilt.

It was much to Dr. Pfluckner's credit that he did not confine his professional activities to an unavoidably inadequate care of our bodies, but sincerely tried to give psychological help whenever possible, though, as we realised, he found this far from easy. He was the only German inside the prison who was permitted to talk with us freely; a position which demanded the exercise of quite extraordinary tact on his part.

Many of us longed for good news from the outside world. The little we received came only from our immediate families to whom we in turn, from the end of December 1945 on, were allowed to send letters limited to a prescribed number of words. After the trial I saw copies of encouraging reports that we had never been allowed to

see; but anything of a discreditable or unpleasant nature invariably found its way into the columns of *Stars and Stripes* without our ever having an opportunity to refute it. The only friendly communication apart from family correspondence that I received in my cell was a courageous letter from the Evangelical Church Council in Nuremberg in which they wrote that, quite apart from all questions of guilt and the course of earthly justice, their accused and imprisoned fellow-countrymen were included in their prayers, and commended to the protection and justice of the Supreme Judge.

Whenever during the course of the trial, prisoners showed signs of depression, Dr. Pfluckner would come to their assistance, if necessary with a sleeping-draught or a sedative. To the twenty-one dependants he was indeed something of a guardian angel; while to the Commandant he represented a guarantee of the mental capacity of his prisoners to stand trial. The American doctor scarcely ever appeared on the scene.

The two American psychologists, Major Kelly and Lieutenant Gilbert, on the other hand, played an important part in our lives and carried out their duties thoroughly and conscientiously. They used to go from cell to cell with a bag full of sweets and cigarettes. Once they had established contact with a prisoner their next step was to subject him to a so-called Intelligence Test in which he was required to answer a number of questions calculated to show the extent of his general information and powers of logical thought, after which he had to complete a jigsaw puzzle and pass a memory test. The results were decided by points whose value was assessed in accordance with the age of the individual concerned: the assumption being that a man's mental powers rise and fall in a curve, the same number of points being reckoned to indicate a higher mental level in an old man than in one in the prime of life. In my opinion the

psychologists using these tests jumped to much too sweeping conclusions, and I voiced my doubts on the subject but was assured that this Intelligence Test was customary and generally acknowledged all over America. I did not question it; but there is a difference between a man who approaches such a test in the full enjoyment of his liberty and one who undertakes it after he has been deprived of office and rank and thrown into prison, and who moreover is in a state of mind in which he regards the whole procedure with profoundest suspicion.

Schacht was delighted at his high I.Q.; Goering looked on the whole thing as child's play; Speer was genuinely interested in the experiment; Ribbentrop and Rosenberg were both much too earnest; Sauckel was nervous; and Hess could not understand it. The majority, however, considered the test to be simply a waste of time and dawdled over it idly instead of exerting themselves. Nevertheless the general average shown by the prisoners was high.

During this period the psychologists also questioned each of us about the homes from which we had come and our early life, education, careers and families.

I had many long discussions with Gilbert. As far as I was concerned, these talks were not without influence on the judgment I subsequently formed about the material which was gradually brought to light as the trial progressed: the same may well have been true in his case also.

Again and again when talking to Gilbert I felt impelled simply because of the sheer sincerity of his opinions to express myself candidly. Complete frankness was the only possible basis for discussion across the gulf that divided us, and especially for any dispute about the human catastrophe with which we were both confronted. Many of the prisoners were very unresponsive with Dr. Gilbert, but in such cases they were generally ready to listen to Dr.

Kelly, who was much liked and who completely won Goering's heart. The only one of us who maintained an impenetrable reserve all through was Seyss-Inquart.

Kelly returned to the States at the beginning of 1946 and was thereafter able to follow the course of the trial only through the reports supplied him by Gilbert and a certain Dr. Goldensohn who arrived at Nuremberg some time after his departure. Two out of these three psychologists were most intimately connected with the sequence of events in the Justice Prison, for their role was far from being simply that of spectators, they encouraged confessions, gave or withheld information, and generally had much to do with the psychological "grooming" of the men under their care.

Father Sixtus, a young and energetic American, enjoyed a wide popularity which was not confined to Catholics. He was a man who had experienced life in many of its varied aspects and this seemed to make him specially fitted for his sacred calling. But of all the personalities in our little band of prison officials, the most outstanding was the insignificant-looking, unassuming Lutheran Pastor from St. Louis, Gerecke. At first he made scarcely any impression on us. Some among us may even have smiled at his simple, unequivocal faith and unpretentious sermons; certainly there were those who opposed him with the pride of a "modern" theological outlook: but everyone, when they saw that he really lived up to his convictions, began to be impressed. With the weapon of practical Christianity the little man tackled the complicated thought-processes of his unfamiliar European flock, and won from them a genuine respect.

Pastor Gerecke's view was that in his domain God alone was Judge, and the question of earthly guilt therefore had no significance so far as he was concerned. His only duty was the care of souls. In a personal prayer which he once made aloud in our queer little congregation he asked God

to preserve him from all pride, and from any prejudice against those whose spiritual care had been committed to his charge. It was in this spirit of humility that he approached his task; a battle for the souls of men standing beneath the shadow of the gallows.

Gerecke dealt with all those of us who were Protestants, past or present, and from both contestants I learnt of Gerecke's struggle for Goering's soul. The former Field-Marshal had never seceded from the Church and had always participated in church activities; and now he attended the prison services and supported the Minister with genuine goodwill. In his opinion the Church had duties to perform which made it indispensable to the working of a well-ordered State.

The Lutheran Pastor appreciated this outlook, but it did not satisfy him. He was not interested in the relationship between Church and State but in Goering's attitude to the Apostle's Creed. The prisoner endeavoured to evade this inquisition, but the clergyman refused to yield an inch. It was impossible to discourage, exhaust, or offend him, and he wrestled desperately for the soul which God had entrusted to him. It is not for me to reveal the outcome of this struggle.

In 1946, when Gerecke was due to return home, I drew up a petition for an extension of his ministry which was signed not only by the Protestant prisoners but also by Catholics. In the dock, Rosenberg saw the letter which was being passed from hand to hand, read it, and asked if he too might put his name to it.

Clergy, psychologists and doctors had the right of entry into cells. Sometimes they stayed a few minutes, sometimes for hours; sometimes they came frequently, then again they might not return for weeks. I always welcomed these visits, even when the visitor himself evoked no kindly feeling; for at the least they afforded opportunity for discussion and this, since the far-reaching

changes which had just overtaken the world, was as necessary to me as fresh air.

We felt very differently about the occasional visits from strangers; we loathed the undisguised curiosity with which these intruders stared into our cages, though it was only later that we realised what false accounts they gave of our lives. When we learnt of these reports, however, they did not surprise us; one does not in general get to know a prison by gaping at it open-mouthed from without, but by living in it. Yet it is true that actual experience is not always essential—a little tact will sometimes do instead.

Though we disliked outsiders we should have been glad to have seen our accusers visit us in our cells. From casual remarks we gathered that they had formed an entirely erroneous impression of the accommodation allotted to their captives, although they lived not much more than a hundred yards away from them. Still more misleading were, without exception, the published descriptions of our commissariat.

For breakfast we were generally given watery gruel. Bread and coffee were an exception; dried eggs, scrambled, a sensation. Lunch consisted of some sort of pulse, potatoes or canned vegetables; supper was much the same as breakfast. Not all the meals satisfied our hunger, and we lacked especially fats, sugar and vitamins. Of course nobody complained, for we could well imagine that many Germans outside received even less, but the current reports describing the "ample meals of the Nuremberg prisoners" in words, illustrations and caricatures were an utter fraud. I myself remained twenty-five per cent under weight during my imprisonment and never managed to throw off the effects of the near starvation I had endured in Moscow.

Only after the end of the great trial did our food improve, along with much else. We were told then that no increased allocation had been made. That may or may

not have been true; I do not know what rations were allocated, I only know what we received—and that was a starvation ration. The continuous undernourishment had, among other results, an injurious effect on the prisoners' vitality.

Tobacco we received at irregular intervals—for some months German, afterwards American; many of us exchanged it for bread. Parcels were categorically forbidden; letters, limited in frequency and in the number of lines allowed, were subject to a strict censorship. But we had as much writing material as we wanted and with any luck we could even obtain a typewriter, though these were fitted only with capitals. The small prison library, a relic of earlier days, provided books of all kinds.

If in the course of a day there was no cross-examination in court, no consultation with a lawyer and no visit from any of the prison officials, one's cell became a very lonely place. In silence a German internec assistant filled the tumbler and water-bowl; in silence he brought the meals. On such occasions we read or wrote till our eyes ached, for the twilight that prevailed during the day-time and the glaring lamps at night were equally trying. Thus we gradually sank into that most dangerous condition—amounting to a disease—that afflicts those incarcerated for any length of time; a kind of chronic drowsiness in which the body is inactive, the brain torpid, and only the nerves experience vague sensations. This state is the prelude to prison-psychosis and becomes a habit which can prove a serious handicap in later life.

The prisoners occupied their lonely hours in a variety of ways. Hess pounded away early and late at his typewriter, but no one ever had so much as a glimpse of anything he had committed to paper: presumably he destroyed it as soon as it was finished. Goering had resolved to do no work, so he read anything that came to hand. Ribbentrop wrote and wrote with the energy of

despair, but without visible result. Jodl busied himself with old strategic plans and new ones for a problematic future. Schacht concentrated on a document in which he called his dead leader to account, while Seyss-Inquart appeared to be engaged on some major work.

Many others just filled up the time somehow. Streicher, for example, drew anything that came into his head, in a primitive, but not untalented, manner and every morning swept a heap of crumpled paper out of his cell. But no matter what any of us undertook we remained under ~~that~~ ever-watchful eye by the spy-hole, which rendered every action we made unspontaneous and self-conscious.

CHAPTER SEVEN

The Court Prepares

RIGHT UP to the opening of the trial the interrogators were as busy as could be. They pushed on their enquiries as fast as possible, for it was laid down that once the trial had started we should be able, if we wished, to refuse to undergo further examination except in court. Every morning and afternoon therefore we were conducted to the Prosecutions' offices, and from the footsteps echoing along the flagstoned corridor it became possible to determine whose turn it was to be questioned.

Palmists and graphologists claim to be able to recognise and analyse the characters of their fellows from the lines of their hands or the way they form words with a pen. During my time in Cell No. 30 I developed into a footstep reader. It was impossible to close my ears to the sound of my fellow-prisoners' feet passing outside, and before long I was able to tell each one by his walk. Seyss-Inquart, Raeder and Ströcher all suffered from foot trouble and their different steps were quite unmistakable; so was Keitel's little tripping tread and Jodl's firm tramp. Schirach moved smoothly, Funk as though he were wearing slippers. Frank stamped his heels as though looking for a firm footing. Every one of them walked, stamped, shuffled or otherwise moved his feet in a different and characteristic manner. In the end I was able not only to identify individuals, but even tell what mood they were in.

Only one person never varied: Goering. The sound of his boots—a regular, slow, heavy tramp—echoed through the lofty prison hall; neither his pace nor his tread ever altered.

The witnesses who lodged above us clattered up and down the iron stairs and along the galleries; we ran into them every time we left our cells, and I was impressed by the marked respect they showed us. Later, when our positions were reversed, when I was a witness and they were under indictment, I was able to thank those who had encouraged me by signs and gestures, for the strict house-rules had by then been somewhat relaxed.

When one is behind bars the law of comradeship carries a special weight. Even the Prosecution became aware of this and complained that, generally speaking, prisoners showed the greatest reluctance to testify against other inmates of the same building. The German prisoners were not organised for defence as the Prosecution was organised for attack and I know of no witness who, when a question of fact was at issue, would have perjured himself for the sake of exonerating a fellow-countryman; the conditions which prevailed after Germany's collapse were not conducive to that kind of thing. But it goes without saying that in the wide field offered to deduction and interpretation we considered it a point of honour to be as ambiguous as possible and to lead our victors on to a false scum when we could.

In due course Colonel Andrus began his preparations for the trial. He went from cell to cell inspecting our clothes, for it was obvious enough that a number of us could not possibly appear in court in the garments which we were wearing. A few of the prisoners still possessed some kind of luggage which was kept under lock and key, and these were allowed to say what they wanted taken out, either for their own or someone else's use. Cooper was kind enough to lend me a suit so that I was able to save my "good" one for court. Some opinions entertained the possibility of having an outfit sent in from outside but this was promptly forbidden, a ban which subsequently gave rise to many bitter arguments.

The authorities finally decided that those who were too shabby should have new suits made for them. Heaven alone knows where they found the crumpled and hideously coloured stuff, or the tailor who ran them up, but by the middle of November every prisoner ~~was~~ the possessor of a suit, a shirt, a necktie, and a pair of shoes. Then everything was tried on, inspected, and locked away in a special wardrobe, to be issued an hour before the opening of each judicial sitting. Three minutes after our return from court they were invariably removed again, and if necessary, ironed before our next appearance in public.

Having settled the question of our clothes to their satisfaction, the authorities extended their interest to our hair which was not to exceed a certain prescribed length. I do not know if their calculations were based on inches or centimetres; I only know that it turned out that they required my hair to be exactly the same length as that which my Colonel in the first World War declared correct for a military haircut, which perhaps goes to show how international are the subtle ramifications of the military character.

One day we were issued with our "good" clothes and taken across to the Tribunal for a general rehearsal, which began with a lot of excitement and shouting of orders. At the door of each cell, beside the usual warder, stood a special guard in an immaculately pressed full-dress uniform, with helmet, belt, gloves, and truncheon all gleaming white. He and his charge were first anxiously inspected to see if they both were in order; then a Lieutenant acting as a sort of master of ceremonies called out the names of the accused in an unfamiliar sequence and there was a final check-up of men, names, numbers and documents at the desk at the end of the passage. When this was over the doors beyond swung open and we clattered off in squads along the wooden gangway by which we

were able to cross dry-shod from the prison to the court. Each group of three or four prisoners with their guards, preceded and followed by additional warders, formed a separate squad; and as soon as one party was announced as having arrived at its destination the next started on its way.

At each turning of the path was a sentry with a field-telephone, while at about the half-way point beside a door through which we all had to pass stood a guard who counter-checked our documents. Outside the court itself were stationed further substantial military reinforcements. We went through a back entrance into the basement: left turn—right turn—halt!

An iron door opened, revealing a large lift, with cells for the prisoners at the back and room for the escort in front. When I emerged from this brilliantly lit box I shut my eyes and, blinded by the glare from a dazzling array of spotlights, stumbled down some stairs, Speer jostling me from behind. Then, still blinking, I found that I was in a large hall which—since I had grown accustomed to my narrow cell—seemed to me enormous. We were at the far end of the place; opposite us towered an imposing three-tiered mass of seats whose leather backs looked down menacingly. The top row was, we learnt, to be occupied by the judges, the middle by the secretaries, and the bottom one by the stenographers; over them floated the Tricolour, the Stars and Stripes, the Union Jack, and the Hammer and Sickle.

On my left, to the front of the hall, was a solitary desk—the witness-stand; facing this was a rostrum and next to the rostrum the six long tables for the Prosecution. Behind these, again, came the barrier which separated off from the rest of the court the two banks of seats devoted to the public.

I found that I was myself standing in a kind of box with a wooden surround about three feet six inches high,

in which were two long benches divided into narrow sections. Immediately next to the box were four glazed-in cabinets for the translators, and in front of it tables for the defending counsel. The guards took their places behind us.

Now I understood the reason for the peculiar arrangements for our entrance. The corners of the dock had to be occupied first so that the gangway seats could be occupied later. For the next eleven months the procedure of our coming and going followed that of the rehearsal down to the last detail. One single mistake had been allowed to pass unnoticed in the rehearsal; Jodl, Papen and Seyss-Inquart had been unintentionally brought in before me. The court held four hundred and three public sessions; and four hundred and three times did I have to squeeze past those three, who were represented by three enormous black dots on the seating diagram.

On the occasion of the rehearsal about three dozen photographers and film operators stood crouched and sprawled in every kind of attitude upon and between the lawyers' tables. They hailed from every country under the sun and spoke every imaginable language, and their equipment ranged from the smallest hand-cameras to the largest motion picture machines on robust tripods, many of them of German manufacture. It was for this army of press photographers that the arc lamps were blazing as we arrived.

Some of them concentrated on the entrance to the lift and photographed one group after another as they emerged. Others were on the watch for individual reactions and snapped every change of expression on our faces. Others, again, importuned this or that particular prisoner to assume some pose or other. Schacht—the first to be approached—turned his back on them all.

The Commandant, Colonel Andrus, gazed with a kind of proud humility on the vast crowd seething and milling

in the great hall. Now and again he would review the whole scene, strolling about in the full glare of the flood-lighting, swagger-cane held rigidly against his side except for an occasional flick of approval.

One after another the cameramen, having used up sufficient film to account for the year's output of an average factory, disappeared and the Colonel confronted us alone. He made a speech, the interpreter translating sentence by sentence as he went, in which he explained his great desire that the trial should proceed so far as possible without friction of any kind. It was most important, in his view, that we prisoners in the dock should make a good impression and he asked our help and co-operation to achieve this end. There were, I remember, one or two things in this speech that seemed somehow not to square with other things which even at that time we considered unfair; but as yet there was no open criticism. When the rehearsal was over the little processions re-formed and made their exit in reverse order—those who had been the first to enter being the last to leave. For some, this long-drawn-out procedure had the effect of lengthening the time some of us spent outside our cells by as much as an hour, a respite which later was to be greatly curtailed. But we did not then realise that a day in even a prisoner's life can be short.

CHAPTER EIGHT

The Faces On The Bench

AT SEVEN a.m. on Tuesday, the 20th November, 1945, we were carefully shaved; at eight, our best suits were given out to us, and at nine we were led forth by the guards. Once again we entered an empty hall; prisoners had, we learnt, to be always in their places before anyone else arrived on the scene. It was an integral part of that "good impression" so dear to the Commandant's heart.

At half-past nine the main doors opened and defending counsel came in, some in black gowns, others in the purples and reds of the law schools. They were followed by the Prosecution among whom were a few figures in civilian clothes standing out in the mass of uniforms. Here and there we recognised a familiar face: I watched Dr. Kempner, a former fellow-countryman of mine, taking his seat among the leading members of the American prosecuting team. Many a time in the past I had sat listening to him at the Press Conferences at which he had represented the Prussian Government. When after 1933 he had left government service a number of my colleagues had followed his career with some interest for a time; then a few years later we had all lost sight of him.

Among the British I noticed a short, dignified, white-haired man whom I could not at first place. He remained modestly in the background, and it was only after I had observed his friendly exchanges with his French colleagues that his identity suddenly came back to me. He was the brother of Matz Braun, the famous opponent of the German Front in the Saar Elections of January, 1935. During the war this man had worked in some special

department of the British Government in England. Later on, after the trial, he was to become Solicitor-General at Saarbrücken, having acquired citizenship in that very province where more than ninety per cent of the population had voted against his brother's separatist proposals. I also recognised on the prosecution benches two former members of the pre-war British Embassy staff in Berlin whom I had met at various times at diplomatic parties.

I next scanned the press section, where I soon noticed many acquaintances from earlier days who, though they had once been glad enough to catch my eye, were now studiously looking in the opposite direction.

The presence of these compatriots in court, their attitude and the places they occupied was not the first intimation we had had that the trial was to be more than a conflict between nationalities; but it was the most convincing one. From thenceforward we understood that the line which divided prosecutor from prisoner, *us* from *them*, was not a national but an ideological frontier. This struck me so forcibly that on our first day in court I asked Von Neurath, who was sitting next me, whether he thought our line of defence—that the motive for our past actions, had been the national interest, not the interest of a political party—would be accepted as legally relevant. I need not have worried: not one of us was able to hold to the original course of his argument in the stormy proceedings which followed—we were all driven like leaves before the hurricane of accusation launched at us.

I remember that in the middle of the turmoil of later days a little event occurred which both excited and steadied us, so eagerly did we grasp at any straw in that strange wind-blown existence. Dr. Frieb recognised his wife sitting among the spectators in the public gallery. She made a gesture with her little parasol, so unobtrusively that no stranger could have recognised the movement as a

greeting; but her husband, off his guard, stared as if he had been bewitched at this apparition from a world that had vanished when the prison doors closed upon him, and did not know whether to rejoice or tremble. Somebody must have noticed a trace of these conflicting emotions in the prisoner's demeanour and, suspecting that something unusual was happening, put two and two together; from then on all members of the prisoners' families were specifically debarred from the hearings. Jodl's plucky wife alone was able to gain permission to attend the court and she came in the capacity of assistant to her husband's counsel.

Once only in the ensuing eleven months, did the wife of a prisoner manage to evade the ban and smuggle herself into the public gallery. This woman foresaw that her husband might be guilty of the same blunder as Frick, and so, as soon as she saw he was aware of her presence, slipped away as fast as she could; in her haste she slipped and broke her foot, collapsing outside the door where she was picked up and taken to a doctor. But to her husband that glimpse of her had the effect of a clarion call to battle. He threw off the insidious prison inertia that had been paralysing his faculties and fought for his life—and won!

On the opening day of the trial, however, no one among the visitors either betrayed or caused us any great excitement. There were many smartly-dressed women in the gallery but they were the wives of officials of the victorious nations who had come to look down from their eminence on the scene in which their husbands were to distinguish themselves. They sat there, as they were entitled to do, entirely at their ease, greeting their acquaintances right and left as they arrived, indignant that the police guards should have insisted on examining their bags before admitting them.

Programme in hand, these visitors gazed at us through

lorgnettes and opera-glasses as if we were animals in a circus and I could not help being struck by the cruel contrast between the atmosphere of a social function which they brought with them into court and the ever-present shadow of the gallows which loomed over us. A little later I noticed a German lawyer, about six feet away, pointing out each of us in turn to a group of school girls and explaining after the manner of a tourist guide, who we all were; it made me think less hardly of foreign sightseers.

At length an order was given which brought to an end the lively commotion going on in front of our box, and Colonel May, Marshal of the Court, requested all those present to take their seats. At once the chattering throngs dispersed and from the apparent chaos order emerged. The four groups of prosecutors with their women secretaries, the defence lawyers in their black and sanguine robes, the brightly-dressed visitors, all stood out in bold contrast to one another as silence fell on the packed hall.

There was a loud shout of "*Attention!*" Everybody rose to their feet, the guards stood to attention, and the officers on duty saluted as the members of the Tribunal filed in. We prisoners gazed tensely at the faces of the men who held our fates in their hands.

There were eight of them—four judges, each with his Assessor who acted as a sort of understudy so that if a member of the tribunal were unavoidably absent, the trial could still go on. First came the French, wearing gold-coloured robes; they were followed by the Americans and British in plain dark gowns, while the Russian contingent in military uniforms brought up the rear. For a moment all remained standing; the English counsel acknowledging the Bench's greeting with their customary ceremonious and respectful salutations, the others with brisk polite bows. The Judges glanced across at the counsel for the

Defence, whose reactions, I noticed, varied very considerably; then we all sat down again.

The sole item on the first day's agenda was the reading of the Bill of Indictment,⁷ and as we were already thoroughly acquainted with this document we were able to concentrate our attention on the personalities of our judges.

The two Frenchmen, Donnedieu de Vares and Falco—the first with untidy hair and grey moustaches, the other with sleek, black head and narrow, thin-lipped mouth—needed no tricolour to proclaim their nationality. Both appeared to have plenty of experience both of life in general and of legal practice—far too much to be mistaken for a moment for the blind, obedient tools of some overmastering political doctrine. Furthermore they both displayed right up to the last public session an extraordinary aloofness of manner; even the marked gallic *élan* with which the French prosecutors conducted their attack was powerless to break through their fellow-countrymen's reserve.

I have no wish to give undue weight to inferences based on a necessarily incomplete analysis, or to bind myself by any particular semi-historical premises; but the bitter indictment of the French prosecuting team struck me as being the natural outcome of a thousand-year-old strife, while the French judges seemed to exemplify the very essence of a sagacity accumulated through a thousand years of suffering. Both those old men inspired me with confidence; I could imagine myself taking leave of them at the foot of the scaffold with a smile.

In sharp contrast to them and to each other were the Frenchmen's American neighbours, Biddle and Parker. Biddle was a tall, lean, dark, man, inscrutable as a Red Indian with the deepest bass speaking voice I have ever heard. His companion on the other hand was the embodiment of that kind of energetic, fair, Anglo-Saxon who

manages to get to the top without losing any sleep in the process. Parker's countenance was easily the least enigmatic of any of the members of the Tribunal; his features and gestures reflected every phase of the trial's progress. It was he who invariably took the initiative on the Bench, and one frequently noticed signs of disapproval crossing his expressive face as he watched one or other of the combatants in the arena before him. When this happened he would nudge Biddle, who would turn and speak to his neighbour, the President of the Court, who, having been watching all the while with raised eyebrows, would now intervene.

The President, Lord Lawrence, who was leader of the British contingent, gave in court, for all his short stature, the impression of being a giant. His powerful bald head seemed to call for a conventional full-bottomed wig as his cold judicial glance swept back and forth across the hall. Lawrence never wasted words but settled hundreds of controversial points with classical brevity, sometimes deciding in favour of the Prosecution sometimes of the Defence. In almost every instance he would consult his colleagues, no matter how briefly, but following such consultation his authority was absolute.

Nature appeared to have originally endowed this Briton with a frank, open countenance; education and discipline to have invested it with remarkable self-control. Again and again one or other of my fellow-prisoners would seek to deduce the judge's opinion from some fleeting expression they believed they had seen cross his face; they were almost always mistaken. If he wished to voice an opinion he did so boldly and incisively, on one occasion cutting short a long dispute on the interpretation of some debatable point by remarking tersely: "The document speaks for itself." In the ensuing pause Goring said to me: "D'you hear the wings of the Angel of Death?"

Curiously enough it was to Lawrence's colleague,

Birkett, that the hopes of many of my companions turned. His long, lean, red face and bristly reddish hair, his angular gestures and owlishly blinking eyes, aroused kindly feelings among us, though I doubt whether he would have set any store by our sympathy, even had he known of it. His role was that of assistant to his fellow Englishman, and the two frequently took counsel together.

According to those among the accused who were best qualified to judge, each of the six western members of the Tribunal were men who were quite capable of independent thought and of giving independent opinions. And this was precisely what we most wished to learn, for the question always uppermost in our minds was whether or not our fate had been decided before proceedings had even begun. The many-tongued voice of public opinion proclaimed emphatically—"Yes"; the faces of the judges seemed to say: "No."

With regard to the Russian representatives, Nikichenko and Volchkov, our previous interrogations had shown us what to expect from that quarter. We regarded them not as men at liberty to make their own decisions, but as soldiers under orders, bound by their instructions from Moscow.

CHAPTER NINE

Asleep In The Dock

DURING THE mid-day interval on the first day of the trial, since the hall was deserted even by the most persistently curious members of the public, the door of our dock was opened and we were allowed to walk about the place and sit in the lawyers' seats. These, I recollect, seemed to us marvellously comfortable after our own hard wooden bench.

Dinner was brought from the prison kitchens and warders and prisoners strolled about together talking freely, balancing their dinner-plates on their hands as if they were at a buffet luncheon. It was all very pleasant. Goering handed round cigarettes which had been given him by some American General or other and as we could not, of course, contravene the rule against smoking in court, Colonel Andrus allowed us to make use of the lift. So after we had eaten, first one group of prisoners and then another betook themselves thither to smoke and converse. To me the whole scene had something uncanny about it, it did not square with the treatment we usually received; I felt it was too good to last, and I was right, for from the following day onwards the mid-day break was drastically reorganised.

In the afternoon the reading of the indictment continued, representatives of each of the four prosecuting nations being responsible for a separate section. In the visitors' gallery there were empty seats and the only figures at the prosecutors' tables were obviously the victims of legal etiquette; the sensational atmosphere of the morning had already subsided.

During those first days the court room was not a

pleasant place and those not compelled to be present usually took the opportunity to escape until such time as they were needed. The big windows giving on to the street were covered with heavy curtains which shut out not only the daylight but the air, while with only an occasional intermission the already bright artificial lighting was reinforced by spot lights designed to facilitate the taking of films and photographs. Coming as we did from our gloomy cells, we blinked like owls in the sunlight when we arrived in the dock; all the prisoners remarked that they found the glare painful and to me it was sheer torture. Added to this the temperature while the searchlights were on increased every minute. Everyone else managed to slip outside for at least a moment or so, but we, inevitably, remained.

The situation rapidly became so intolerable that after a few days the prisoners were provided with dark spectacles, a ventilating system was installed, and the scorching lights replaced by special, almost heatless bulbs which, however, still lit up every corner of the room.

On the first afternoon before these alleviations were introduced the court was very nearly confronted with disaster. As a result of the heat and glare and our generally enfeebled condition we were all overcome by an irresistible desire for sleep. One after another we began to nod; those who could still keep awake tried desperately to rouse their neighbours, for there was not one of us but realised how open this seeming indifference might be to the most serious misconstruction. But it was no use, even the guards who for some time kept nudging us discreetly gave it up. In the end we managed to sit, or rather crouch, in such a way that our heads did not fall forward on our breasts and, except when someone snored, everything was apparently seemly. Luckily the press, too, was not on the alert that afternoon, and we were able to reach the end of our first day as public exhibits without disaster.

Since morning we had been looking forward with longing to our evening stroll in the open, but just as we were about to march off from the court house we heard the dreaded order: "No exercise!" the unlit courtyard in bad weather involved too much risk to ourselves—and our suits. When we begged for a little fresh air the authorities provisionally solved the problem in an almost prophetically significant manner; on instructions we were taken under strict guard to a gymnasium in the second prison courtyard. The building had evidently not been used for a long while and the floor, strewn with the wreckage of what had once been gymnastic apparatus, was covered with a thick layer of dust. Our lungs, which had been craving for oxygen, went on strike at once and any notion of walking up and down had to be abandoned. Our earnest request to be allowed to stand in the open air even for a few minutes was refused and we were not permitted to leave the gymnasium though we felt we were almost in danger of choking. For twenty minutes we had to remain there, breathing in dust; never again did any of us express a desire to cross the threshold of that horrible room.

Some of us nevertheless—shackled and accompanied by a priest—did see it again, for it was in that same gymnasium that eleven months later ten of our number met their death.

CHAPTER TEN

Goering Must Eat Alone

THE NEXT day, the second of the trial, saw the beginning of a new routine. The court sat from ten till five, the mornings being chiefly devoted to legal preliminaries. After five we were allowed to take a short constitutional and hold discussions with our lawyers; by eight in the evening—later this was extended to nine—we had to be in bed, floodlit, till next morning. Though we were housed in a building adjacent to the court, we were always the first to arrive and the last to leave, with the result that we had only the Saturday afternoons and Sundays for our own activities; which meant that if one had anything particular to get done one had to race against time to get it completed.

The number of hours devoted to actual hearings was small and there were ten-minute intervals both in the morning and afternoon sessions as well as one of an hour at mid-day, during which we were allowed to leave our seats, speak to one another, and even on occasion to clamber across to the opposite end of the dock. At mid-day too, after the first day, we were able to leave the stifling courtroom. On stepping out of the dock we formed single file, with a guard behind each prisoner and an officer at the head of the column, and in this formation made our way through the green central doors and along the corridor. Here soldiers stood holding ropes by which they controlled the constant press of humanity and here we ran a veritable gauntlet of concentrated curiosity; once through the corridor we went by a back staircase to a suite of attic dining-rooms, which may formerly have been part of a caretaker's quarters but now lacked even

the most elementary necessities of human habitation. In two out of the five rooms there were a few tables such as are found in open-air *cafés*, round which we arranged ourselves as we pleased while the photographers had once again their way with us; a proceeding we resented intensely though there were some nice enough fellows among them. As a result pictures soon appeared in the papers showing us apparently enjoying an agreeable social atmosphere.

A little while later the arrangements for our mid-day meal underwent a second, and this time radical, change. We were dispersed throughout all five rooms and made to sit singly at metal camp tables on each of which was placed a card bearing our name; beside every table sat a guard whose duty it was to see that no one spoke to his neighbour. There were four or five prisoners to each room except for one where Goering ate by himself; as the days wore on it gradually became customary to treat the former Field-Marshal twice as harshly as the rest of us.

In silence the German orderlies would serve the food that had been sent across from the prison kitchen, and which we ate with our faces to the wall. If anyone wanted to go to the lavatory, situated on the ground floor, he had to ask his warder to accompany him, and the door to the toilet had to remain wide open. However, our mid-day dinner did not last long, for we had always to be back in court twenty minutes before the opening of the afternoon session.

I shared a little dining-room with Speer, Schirach and Funk. In the dock we were allowed to speak to one another provided we did not disturb the proceedings of the court, but now, at our mid-day meal, we were compelled to resort to deaf-and-dumb signs if we wanted to ask one another for some tobacco or a light. Mercifully each of our youthful jailers made noise enough for two so our unsocial meals never became too solemn. If an officer was

present we were permitted to exchange a few words, not directly, for even in his presence a guard would have intervened, but by addressing our remarks to the officer and waiting for him to receive the reply from the appropriate prisoner.

Some of us found the silence rule and this curiously indirect manner of conversation very irritating; personally I found that after a harrowing morning in court I was far from being in the mood for conversation and preferred to stand looking out of the window from which there was a wide view over the walls and courtyards of the prison to the slopes of the Pegnitz Valley. In the foreground was a suburb, behind which rose the spires of various churches and, towering above them, the castle of mediæval Nuremberg. From this window, too, I could see the leaves burgeon and fall and the trees blossom and bear fruit; from here I watched with rapt attention every sign of new life growing up among the ruins below; and the sight of this devastated world, teeming with unquenchable vitality, broke through that deadly egocentricity so apt to overtake a man in gaol whose thoughts all too easily become centred on himself, and his fate.

One day, without warning, I found this view not merely barred but shut out by sheets of iron perforated with minute square holes. An attempt to look through these holes produced exactly the same effect as the grille in the lawyers' cubicles—one felt seasick. Yet, although every attempt to look beyond the walls brought on this feeling of nausea, I found it impossible to tear myself away from my window. I did my best to try and persuade the guard to find some other means of securing it against our suicidal intentions but although I had a good interpreter on this occasion he somehow entirely failed to understand me.

After the glaring spotlights of the first days had been replaced the vast hall of the Tribunal could be seen to be,

in fact, pleasantly coloured: the uniform grey of prison walls induces an optical craving for colour akin to that of an empty stomach for food, and we therefore felt a genuine satisfaction in the brown panelling and off-white walls and ceiling about us, and in the silver-grey carpet and immense pale green curtains. I can never bring myself to think of that room with hatred, notwithstanding the many dreadful things I heard and experienced there.

From a normal day's session of the Tribunal the casual visitor probably derived a gratifying impression in keeping with the quiet, discreet ordering of the *mise en scène*. On entering he would see a number of persons, all of dignified bearing, for the most part wrapped in silence: now and again one of them would speak but with words so indistinct that they might have been part of a private conversation addressed to his neighbour. To the visitor nothing very much would seem to be happening; at best he might see something like a curiously restrained performance of a stage mime, certainly nothing to indicate to the uninitiated eye that here in this hall the victors were seeking to apportion the blame for the outbreak and conduct of the second World War, while outside mankind hurtled ever faster to destruction.

It was only when the visitor put on the headphones with which every seat was provided, that the words of the speakers, often so softly spoken as to be otherwise scarcely audible even to those in their immediate vicinity, came to life; and he could understand that events of some moment were happening in the great theatre below him.

I will try to describe something of the method by which the proceedings were conducted, simultaneously, in four languages. The system was as simple in principle as it was technically complicated.

There was a number of microphones installed at various places all over the hall but normally kept "dead" so as to avoid the transmission of unnecessary sound,

Occasionally at the beginning of the trial confidential discussions among the judges would inadvertently get broadcast and we would overhear their whispered consultation—later, unfortunately, as the system improved such errors were eliminated. The controller of the sound system, a radio technician, was stationed in a glazed-in box beside the press gallery from which he was able to keep watch on everything that went on in the hall, and by means of the controls before him put into operation the appropriate microphones for speaker, questioner, or respondent. He had to be constantly on the alert, very quick in the uptake, and possess the finger technique of a pianist. His principle source of anxiety was the Bench, any one of whose members was liable to address the court without warning.

Whatever was spoken into a microphone was transmitted through an amplifier over one of the five circuits connected to the earphones with which every seat in the place was fitted. Proceedings were conducted in German, English, French and Russian, and to each pair of earphones was connected a five-way switch by means of which the listener could receive either the original speech—which, regardless of language, was always on the same circuit—or the particular translation he required.

The interpreting team, which was always ready while the court was in session to deal with any of the twelve combinations of language possible, was divided into four groups. Each group consisted of three interpreters, each of whom had a language in common with the other members of his group and a thorough knowledge of one of the three remaining languages in use. Only one group was actually engaged in interpreting at any specific moment but all the twelve members of the team had to be present at every session in case their services should be required. For instance the group responsible for translating into English might have nothing to do during a big

speech by an American or British prosecutor, but it had to be ready at a moment's notice to translate into English comments by judge or counsel which might be in Russian, French or German. The longer dissertations were usually issued to the interpreters in the form of prepared manuscripts which had only to be read aloud; but when it came to the translation of extempore speeches, arguments and examinations—often stormy—they had a strenuous time. My seat was immediately next to those of the interpreting team, and I developed during the course of the trial the greatest admiration for their attainments.

Though in theory well thought out, the system had in practice certain disadvantages. The transmission cables wound their way from end to end of the court room like so many snakes; frequently they lay uncovered on the carpet, and careless feet would rip off the little strands connecting them to individual seats so that time and again sittings had to be interrupted, sometimes for hours on end while technical hitches of this kind were checked and repaired. Finally, after several months, all the cables were securely embedded between protecting wooden planks, and it was possible to appreciate the full ingenuity of this system for conducting polyglot proceedings.

There was, however, besides these early technical breakdowns another defect in the system, and an irremediable one. It manifested itself—though not conspicuously—from the very outset, and as the trial progressed became more and more painfully evident. I mean the limitations imposed by the nature of language itself when translated verbatim by an interpreter who has to keep pace with a speaker instead of following him at a reasonable interval, and who is therefore deprived of that freedom of manoeuvre necessary to catch the precise meaning of an expression. This was especially noticeable in translations from the German; for not only is the structure of our sentences particularly complicated but

our language has the peculiar characteristic that the full significance of some of its most telling phrases is not revealed until the very last word. Thus an interpreter speaking in English, French or Russian has to wait for this "revelation" before he can even think of adapting the structure of the sentence to the grammatical needs of the language into which he has to render it; for as soon as it is disclosed he may well find that he has to transpose the whole expression back to front. While he is engaged on this the German speaker will have already embarked on his next oratorical masterpiece, to which the now preoccupied interpreter will in all probability be able to give no more than part of his attention.

Every microphone had two lamps, a red and a yellow. The red was the signal for the speaker to stop; the yellow meant "speak more slowly". Many a time I have wrung my hands in despair while a German counsel or witness, seeing the yellow flashes, would with the best of intentions pause in the middle of a sentence, a proceeding not of the slightest service to the interpreter, who was still waiting eagerly for the verb. Often a guard would signal to me to be quiet as I tried, instinctively, to stop with a gesture some compatriot who had over-shot the one and only point at which a pause could make sense to his foreign audience. Because of this weakness, essential parts of various German arguments were entirely lost in translation and never came up for discussion at all.

After this sort of thing had been going on for some time I sat down and drew up a list of *Suggestions for Speakers*. In this I pleaded for quite short sentences in which the verb could be transferred nearer to its subject, and did my best to explain how logical sequences could be transposed so as to avoid verbal complexity. I tried to show that it was essential to avoid protracted descriptions slowly building up to a climax. German orators are inclined to depict vast panoramas with vast sweeping strokes of the brush:

I tried to convince my fellows that on occasions like the present it would be better to replace these monumental canvases by smaller, more intimate descriptions—if need be by miniatures or vignettes. Even if less impressive they would be a great deal more easily understood.

(Incidentally anyone applying this method to his own mental processes will find it easier to cater for the intellectual capacities of the kind of reader normally confined to what is known as light fiction.)

In the dock these suggestions were passed from hand to hand. Goering committed them to memory and used them later when he was cross-examined, other prisoners started off well but forgot their good intentions from over-anxiety. Sauckel was the worst. Under the strain of examination, and especially of cross-examination, more than half of what he had to say in his own defence remained untranslated. It was, quite simply, untranslatable.

Of course every word of the proceedings was recorded somewhere or other, but what was the use of the most rigidly correct notes if our judges never saw them—if they were preserved only for posterity?

The system by which original depositions were taken down had been well planned and afforded a maximum of security. During the whole course of the trial a recording-tape preserved each one in its own language, but, so far as I know, *not* in the simultaneous extempore translations which were taken down by stenographer—who relieved one another at frequent intervals in order to type out their notes. However, the foreign language texts were checked-up with the recording-tape so that interpreters were able to correct and polish their first hurried efforts, and it was only after this had been done that the depositions were finally multigraphed in four languages. But I very much doubt that the Bench, for whose sole benefit every word was, in the last resort, uttered, ever had time to read these often very much altered and amended versions.

All through the sessions of the court there was a continual coming-and-going. Not only did interpreters and stenographers relieve one another but the prosecuting counsel were seldom quiet; these luminaries used to make a great point of pausing for a moment to turn and bow to the Bench before making their exits by the great central door. Journalists, too, and photographers as well as members of the public, would look in for a little while and then leave; only judges and prisoners hardly ever stirred from their seats. It was seldom, unless there was a definite break in the proceedings, that a member of the Bench rose; and the only time there was any coming or going in the dock was when Rudolf Hess had one of his attacks.

CHAPTER ELEVEN

A Glimpse Of The Outside World

FOR THE twenty-one prisoners the dock in the lofty court room came to have something of the same significance as the peep-holes in the doors of their cells; it was, so to say, a chink in the prison wall through which we could catch a glimpse of that world which had at once disowned and encaged us.

We studied the faces of our judges, the formal setting and legal technicalities of the trial, trying to keep our wits about us and register in our minds everything that was going on. Our nerves indeed were as tense as wires; not one of our accusers can have scrutinised our past histories with more eager attention than we bestowed on their day-to-day expressions. Thus we soon came to realise their different characteristics.

The Russians, who at first usually appeared looking stiff and military in uniform, let their hands hang loose by their sides as soon as they decided to adopt civilian clothes. The French stood with their fingers stuck casually in their coat pockets, while the English gripped the lapels of their coats, a position they would often maintain for fifteen or twenty minutes. The Americans addressed the court with their hands thrust casually into their trouser pockets.

But little by little these national differences of manner disappeared, partly as the result of an assiduously cultivated international courtesy, a curious example of the sort of protocol which grew up in the Tribunal being the convention by which no prominent member of the prosecution ever passed the Soviet table at the start of a morning session without stopping to shake hands. Nevertheless

it was always possible to distinguish an acquired from a native gesture; for instance when Rudenko shoved his clenched hand into his pocket the action was not really convincing, but when the American prosecutor Jackson or his colleague Dodd buried their arms in their almost to the elbow, it was a sign that, forgetting minor problems of deportment, they were about to launch an important attack.

The best-dressed persons present were, of course, the British who wore their clothes as easily and un-self-consciously as if they had been born in them. The Americans had the newest and most up-to-date suits, though naturally enough there was among their representatives in court at least one who affected to despise any kind of elegance—an attractive looking, hatchet-faced man of the type one associates with the Far-West.

We contemplated the Frenchmen, on whose wardrobes the war and its aftermath had left visible traces thoughtfully; what, we wondered, could be the position of Germany in regard to clothing?

But it was the appearance of the Russians which, more than any other, claimed our interest. At the outset they all wore completely new uniforms, the tunics of which, no matter how greatly the wearers might differ in stature, all had the same close fitting waists and the same broadly-cut backs slightly reminiscent of a peasant's blouse. The waists particularly fascinated us; there was, I recall, one young but fully-fledged member of the Soviet delegation called Smirnoff who, at the beginning of the trial, was an attractive, slim young fellow. Life in Nuremberg evidently suited Smirnoff for it was soon obvious that his uniform was becoming too tight. After a time the buttons were moved out this proved no more than a palliative and a little while later he appeared in another brand-new uniform which in its turn proved unable to withstand the strain for long. Eventually his now thoroughly imposing

figure arrived in court draped in an ample civilian suit. By degrees many of the other members of the Soviet contingent also took to mufti, and in our imaginations we pictured their wardrobes stuffed with garments of astounding magnitude.

When in the morning we arrived for the day's session, hungry, dead-weary, nerve-racked, and looked round at the crowd assembled for the trial, we gazed with increasing bitterness at our enemies who had nothing worse to contend with than perhaps the slight indisposition which follows a rackety evening.

A glance round the hall revealed the presence of a comparatively large number of Jews, the fate of whose race was one of the chief features of the trial and who, therefore, represented to us the hostile camp in a double sense. One or two of us reckoned that they would have a particularly stiff time with Jewish accusers; others averred that it would be only honest to thrash things out direct with those who yesterday had been our principal victims and were now our principal opponents. Be that as it may, after some initial anxiety we were finally convinced that there was not a single Israelite either on the Bench or among the prosecutors with the exception — though I may say he was a conspicuously active exception — of a former emigrant, Dr. Kempner. On the other hand, we soon learnt that a very high proportion of the experts and interpreters were Jews. Moreover, towards the end of the trial, a large number of Jewish lawyers suddenly joined the American prosecution. Many of these individuals had been until a few years before German citizens, and the prison officials referred to them as specialists in matters relating to internal conditions in the Reich. They had come to help prepare further proceedings which were being put in hand.

Of the many things which impressed us on our daily expedition to the dock, none compared with the effect

made on us by the women sitting in court. Their presence seemed to stress the fact that in that hall the boundaries of two worlds—the world of captivity and the world of freedom—overlapped and that the road from one to the other passed close beside us. I had already had one opportunity of learning how a woman's presence can help to moderate the conduct even of the most blustering cross-examiner. At a Russian interrogation, when excitement over the conquest of Berlin was at its height, a pistol was pointed at my head because, it was averred, I was hiding something. A glance at the woman stenographer standing by was sufficient to calm my fears; her horrified eyes revealed that she was not accustomed to seeing men shot dead in her presence. I experienced no surprise, when a few hours later, the same trick was repeated—this time in a gloomy wood.

Here in court there was naturally no question of anybody putting a pistol to one's head; but if Death was not actually present on the stage, he hovered always in the wings. It was, in fact, though it had little of the appearance of one, a life-and-death struggle and the combatants were not squeamish in their use of the weapons at their disposal; indeed, some of the methods employed against us often reminded me strongly of all-in wrestling. In this singular atmosphere of outwardly civilised but inwardly unbridled conflict, the feminine element was the one neutral influence. Every man in that vast room could be immediately labelled as either friend or enemy; but the women were first and foremost human beings, and only secondly members of the opposite side. I have never seen them blindly swayed by prejudice, as was frequently the case with many of the masculine actors on what was, after all, a political stage.

The women members of the staff, on the other hand, represented to us not persons but an abstraction, an idea. Now and again we caught a whiff of some delicious

perfume, an intoxicating change from the stuffy atmosphere of the prison to which our noses had become accustomed; but we did not attach any great significance to it. We soon learned to distinguish between the various groups of women assistants. The healthy, full-figured Russians carried themselves proudly and, old or young, dressed plainly; the Frenchwomen were deliberately inconspicuous (perhaps because of their part, small though it was, in the grim drama that was being played); while the Englishwomen, efficient and well-bred, were entirely out-shone by their transatlantic sisters, who alone infused any real life and colour into their surroundings. Naturally attractive, the Americans had an almost sublime self-possession, a thorough understanding of the art of make-up, and no wish to remain unnoticed. Even we, the living dead, could not begrudge them their vitality. Some time later I came across a number of pictures of wives of prominent American functionaries and smiled when I recognised among them former members of the I.M.T. staff. One young lady, it is true, learned when her husband "died" that he had another "wife" besides herself; but such misfortunes are, after all, one of the inevitable hazards of war service.

At first there were only two German women typists and they were no more than barely tolerated; but later they were reinforced by the secretaries of defending counsel, who were far more self-possessed, and, indeed, frequently put up a tougher fight than their chiefs when it came to procuring the innumerable documents we required in the course of the long trial. Long afterwards when I attended the court as a witness I noticed the wives of prisoners in the lobby outside the hall: here they would wait hours on end for the groups of defendants among whom would be their husbands. From the ground-floor windows there was a view of the prison courtyard, and here the wives of many condemned men waved a last farewell to their

life-partners before they vanished for ever into the condemned cells of the Landsberg gaol.

Throughout these years I came to realise how, almost of necessity, more is exacted of women than of men; though their compensations were sometimes greater. There have been many arguments about the different attitude of men and women to prosperity and adversity; I for one am convinced that in the long run, under both good fortune and ill, women are the stronger vessels. Psychologically speaking woman has remained closer to the natural source of life and thus retained her poise and grip more successfully than the male, with his quests and strivings, triumphs and downfalls, loves and hatreds.

It need hardly be said that we examined every inch of our narrow horizon: for a whole year almost the only part we came to know of the great complex of buildings in which we lived apart from the cells, exercise yard, and the great hall itself was the little that we were able to overlook during the mid-day dinner interval; and our great wish was to see further afield. I subsequently came to learn something of the colossal complex of buildings of which we then knew but a tiny part, and whose corridors and staircases formed a veritable labyrinth where in spite of all the signposts, diagrams and sketch-maps, the uninitiated could easily find themselves hopelessly lost.

This is exactly what happened to the guard who, the following year, was told off to conduct me in my capacity of witness to one of the smaller courts. We went up broad staircases and along wide passages until we either came to a locked door or else found ourselves wandering in some deserted courtyard where the sunlight shone on the fairy-tale marvel of a magnolia in full blossom. Upstairs and down we toiled, our enquiries eliciting answers in almost every known language, but never a clear direction. Our voyage of discovery brought us at length to a snack-bar where we refreshed ourselves with Coca-Cola before

starting off again; finally, oddly enough, we reached our destination hours too soon!

I remember that I sat outside that subsidiary court half the day, awaiting my call as witness, while the ebb and flow of officials, clerks, court servants and warders along the corridor never ceased for a moment; it might have served as a setting for some thronged oriental bazaar.

What we twenty-one prisoners wanted to know, however, was what went on outside the encircling walls of the great building; and bit by bit, detail by detail, we put together the following picture of our mysterious environment.

The Nuremberg Law Courts, together with their attached prisons, constituted an island which had been almost hermetically cut off from the outside world by a ring of infantry pickets reinforced by armoured car patrols.

The main Nuremberg—Furth road ran through the prohibited area but the presence of this particularly busy thoroughfare had no effect whatsoever on the authorities, who closed it not only to vehicles but even to pedestrians and diverted its entire traffic into already congested byroads. Even Allied transport was barred from the area, for the Tribunal was taboo and the only keys to its forbidden territory were the special passes for which formal application had to be made even in the case of so important a visitor as the Mayor of New York.

As a general rule Germans got no opportunity to obtain passes; the chain of sentries was sufficient to check curiosity on the spot, and all overt interest outside was choked off by the network of offices which formed the diplomatic outposts of this miniature state. For the man in the street there was only one possibility of by-passing the cordon: he could go for a sixpen. tram-ride. The trams ran through the prohibited area without stopping, and amid the most lively discussion all the passengers would rush in a body over to the windows on the side of

the vehicle nearest the prison so that they could at least get a glimpse of the walls behind which "The Twenty-One" awaited their fate.

Save for rare exceptions there were, therefore, at first no German visitors to the public gallery; later on, however, probably for reasons of policy, a few Germans were invited.

German journalists, on the other hand, attended the courts. These men were meticulously tested before licences were granted to their local offices and then forced to undergo a further sevenfold "screening" before they were allowed so much as to pass the sentries. After that their applications for admittance were submitted to the one man competent to decide such matters who allowed or disallowed them according to the mysterious dictates of his personal discretion.

Some of those selected did their best to forget that they were Germans and, as it were, dabbled in the stream of internationalism, but others were ill at ease. One woman journalist wrote that she did not know where she belonged for between accusers and accused there arose not only the barrier of the dock but of nationality, and while one set of circumstances set her against them the other tugged at her sympathies. Among the few Germans employed about the court, the only one perhaps who felt no sense of oppression and worry was a charwoman who, because they found it did not pay to treat her with the cool condescension or open contempt which all the other Germans experienced, was left alone by the Allied functionaries.

CHAPTER TWELVE

Not Men, But Creatures

AT FIRST we used, as I have said, to spend a good deal of time wondering whether justice or vengeance awaited us, and in this connection we were most impressed by the emblem our guards wore on their sleeve: a sword superposed above the Scales of Justice.

On one occasion a film star attended a session for a few moments and her presence caused a considerable sensation; even the judges grabbing their opera-glasses. Asked by journalists about her impressions the smartly-dressed young woman replied: "A long-drawn-out death," a comment which betrayed keen powers of observation. From Dr. Gilbert I learned that she was Rita Hayworth, who had the reputation of being the most beautiful woman in the world—so beautiful that her portrait had adorned the first atom bomb. . . . To me that was as deplorable an event as the expulsion of Adam and Eve from Paradise; but not even the psychologist understood my point of view!

Many small occurrences during the early days of the trial misled us, so that we failed to understand the widely differing standards by which our conquerors judged us; we knew only that we were universally condemned by public opinion, and even the most optimistic of us realised the full gravity of the charge with which we were confronted. This was not, as a few of us had supposed, a sham indictment staged for propaganda purposes: those purposes had already been achieved in the verdict of public opinion. But though propaganda was not the object of the trial, the effect of public opinion was to prove of material assistance to the prosecution and to carry weight with the judges.

On the opening day Hermann Goering said that he intended to make a few searching comments on the

composition of the Bench, the basis of the charge, and the part played in the trial by popular sentiment; next morning when we were bidden to plead "Guilty" or "Not Guilty", in accordance with Anglo-Saxon legal custom, his moment seemed to have come. A microphone was brought up to us and each prisoner in turn spoke into it. Goering was first and had already started to make his speech, when the President interrupted him with the admonition that only the briefest of replies were allowed. In his deep, rather grating, voice Goering snapped out: "Not Guilty." The other prisoners also pleaded Not Guilty, with slight variations. I was last, and replied: "Not Guilty in respect of the present charge."

Then Goering stood up again: but the President once more interrupted him and with the utmost courtesy intimated to Accused Number One that he could not now address the court except through his counsel. Goering resumed his seat.

This refusal, though technically justified and correct, had a depressing effect on some of us. Then came Jackson's mordant opening speech and by the end of a day which had begun with our declaration of Not Guilty, I saw that many of my comrades had already begun to lose heart under the combined influence of accusation, attitude of mind, and forensic procedure. Several of them subsequently became a prey to an apathy which lasted for weeks and persisted no matter how busily they and their counsel might appear to be engaged. A few, a very few, sought to comfort themselves with the thought that the indictment was really intended for others—not for them! I was not so rash as to share their optimism.

Each of the four chief prosecutors delivered in turn a long opening speech and then, for the time being, stepped aside and allowed his junior colleague to follow up the attack. In his opening speech for the American team Mr. Jackson remarked that he was not going to allow himself

to be influenced by public opinion which was hostile to the accused; and pointed out with some pride that his government and those of the other victorious powers had not only taken on their shoulders the burden of proving the charges against us but had, at the same time, guaranteed us an impartial hearing.

But these fair words did nothing to mitigate our mistrust of the Prosecution which dated from the very first day of the trial and thereafter increased steadily right up to its end. This mistrust overshadowed the whole course of the proceedings and rendered us incapable of appreciating those more idealistic motives which side by side with the hostility and the thirst for revenge seemed at first to be at work in Nuremberg. I do not believe our suspicion was either inevitable or entirely due to the position in which we found ourselves; there were special reasons for it. In the first place, the function of a prosecutor in Anglo-Saxon legal procedure was completely strange to us; with us the function of the Public Prosecutor is not only to act as opponent to the accused, but also to assist the court to lay bare the whole truth. At Nuremberg the Prosecution was purely and simply "the prosecution": its job was to stress everything that weighed against the accused, to whom it was not prepared to accord mitigating qualities of any kind. If extenuating circumstances came up in evidence prosecuting counsel did their best to ignore them, either from choice or because they were compelled to do so by their procedure. When the Defence reproached one of the prosecutors with having failed to mention evidence favourable to them he replied with evident astonishment that he could not serve two masters at once. He seemed quite seriously to think that a prosecuting lawyer who entertained any point of view other than that of the Prosecution was in danger of poaching on opposing counsel's preserves.

The kind of exalted one-sidedness which the Prosecution displayed in its determination to secure our conviction

occasionally gave rise to a sort of comedy. On one occasion a particular prosecutor who had obviously been instructed to bolster up the particularly weak case against Dr. Schacht, started off to cover the entire historical and political scene which formed the background to the charge. This gentleman had a rapier-like wit and brilliant dialectical powers but as he went on it seemed obvious to most of us that he had lost his bearings and was straying further and further from the matter in hand. Then, with one final, astounding feat of logical acrobatics he twisted round the whole elaborately woven argument and with incomparable verve dropped it like a sort of logical lasso round the shoulders of his quarry—Schacht!

I was so carried away by the grace and agility of this performance—however erroneous might be its conclusions—that for the first and last time during the trial I burst out laughing; it was indeed all I could do to prevent myself clapping. The Bench looked black as thunder, but the prosecutor himself, thank Heaven, could not keep a straight face and grinned at my appreciation of his intellectual gymnastics.

No matter how familiar the effect of the Prosecution's one-sided attitude became to us, the legal theory which was in part responsible for it remained foreign to us. We were unable to understand that the way in which the various rôles in the court were allotted was neither better nor worse than our German system—merely different.

Another and quite different reason for our persistent mistrust was that the Prosecution constantly referred to legal and moral principles which we considered that the victorious powers had themselves violated in, among many other instances, their attitude to neutrals, their exploitation of captive labour and their ruthless methods of warfare. The Prosecution protested vigorously against the Tribunal being allowed to become the scene of mutual recrimination, and therefore any debate on Allied offences

against International Law was ruled out: whatever may have been the motive for this decision we felt it to be unfair and especially unfair in those cases where the enemy's conduct had been the reason for the very actions now brought up against us as crimes.

We in the dock also blamed the Prosecution—rightly or wrongly—for the prevailing tone of the press with its violent bias and constant omissions. Only occasional news about the effect of the proceedings in court on the outside world reached us; but the little we learned from lawyers and prison officials was sufficient to make us very critical of the published reports. We were astonished to notice that all the really prominent international journalists did no more than put in an appearance at Nuremberg; none of them stayed for any length of time or gave a detailed report of what was going on there, though it was of considerable political and international significance. The correspondents of the news agencies, on whose descriptions most periodicals relied, attended only on special occasions and obviously depended to a large extent on the Prosecution's official hand-outs. From various reports which penetrated to us we realised that in some countries at least the course of the trial was being followed with critical interest, but that even here there was no question of the public being offered an objective account of proceedings; perhaps it was hardly to be expected so soon after the end of the war. The British newspapers, however, were already drawing considerable distinctions between individual prisoners and were outspoken in their comments on the work of the prosecutors, while in many places there was, even at that stage, much open criticism of the fundamental character of the Tribunal.

The Soviet-controlled newspapers of central Germany naturally contained nothing but the shallowest and most stereotyped condemnation of the accused, but we were surprised at the attitude of the various recently-founded

publications in the Western Zones which seemed to be no more than the mouthpieces of our former enemies. If these newspapers published the arguments of the Defence, it was only too obviously with the intention of providing a background to show up the Prosecution's most telling performances.

On one occasion a young woman journalist, the bearer of an old and well-known name in German politics, sent a favourable account of Speer to a south German paper. She had understood how this man, at a crucial moment, had displayed great courage in acting on his own initiative; he had not only refused to carry out the scorched earth order, but had even gone so far as to actively sabotage it. Immediately after the publication of this article on Speer the reporter in question disappeared from the press gallery; her place being taken by a more "reliable" colleague, who turned in a number of contributions to which even the Prosecution representative could only give an alpha plus. These and similar incidents seemed to point to a strict control of journalistic activities at Nuremberg on the part of the west German press, and towards the end of the trial we had definite confirmation of this. The court controlled all German publications through a central office which issued "recommendations" such as that the reproduction of extenuating details in the evidence was to be considered as undesirable; in addition the news agencies had to conform to a set of instructions and all broadcasts were censored. I was particularly interested in this since I was myself being accused of having at one time put into force similar measures; though to be sure the Prosecution's main argument was that I had done so with criminal intent.

Incidentally this control of the press had a boomerang effect on the International Military Tribunal, which was never in fact as one-sided and prejudiced as the censored reports would incline a discerning person to believe: but

the unwise tendency to "slant" the news eventually gave rise to criticisms of the Tribunal among the west German public which were less than fair to it. So much for the uses of censorship.

There was a man named Gaston Oulman who occupied a conspicuous position among the army of correspondents; he broadcast over several transmitters and was described as being in some sense my successor at the microphone. According to Gilbert he was the most important publicist in Nuremberg. This man was on good terms with both judges and prosecuting counsel and came after a while to set the tone for his colleagues. Lawyers made much of him.

Oulman was to us a sort of bogey with whom we were threatened if we persisted in being contumacious, but at the same time we were given to understand that he could be a Father Christmas, laden with good things, if we would only make a suitable statement in court. His name penetrated to our cells, and was frequently quoted in the consulting-rooms of prosecuting counsel. The great majority of Germans followed the course of the trial only through his eyes for he broadcast on it for a quarter of an hour daily, while the meagre dailies in those times of paper famine, could barely find space for a few lines twice a week. His manner of presenting the news was unbelievably ruthless.

I had been familiar with his reputation for some time when I eventually spotted him in the press gallery. His face reminded me of a man who had some years before been connected with stage, sport, and press and about whom there had been a good deal of scandal in Berlin and the Rhineland; a man who had subsequently appealed for financial aid to the Berlin Press Association as a discharged convict and then disappeared. Through my lawyer I asked Oulman an apparently innocent question about his former career in Berlin and west Germany. When he replied that he was of Cuban origin, Dr. Fritz

told him that I had declared he was a German. His answer, which I give *verbatim*, was: "If I were a German I should have put a bullet through my head long ago, for very shame."

Fritz was annoyed with me for having placed him in an awkward position so I held my peace in order to spare him further embarrassment; but I made enquiries on my own account and asked the vocational psychologist if he had noticed anything unusual about Herr Oulman.

"No, I have not."

"Are his antecedents known to the authorities?"

"Certainly."

I assumed that if this was indeed the case then it could be no accident that Oulman had stepped forward into so prominent a position but had been chosen for his standing in his profession. Accordingly I was astonished to learn at the end of the trial that his influence (such as it was) was entirely due to the treatment he received from the Allied authorities, and that his colleagues had a very poor opinion of him; indeed except for the clique around the Tribunal they cold-shouldered him. There was no particular reason for their behaviour; it was simply a matter of intuition.

So far as we, the accused, were concerned Oulman's savage commentaries detracted a good deal from the impressiveness of the solemn words which the Prosecution liked to use when they referred to the trial; the American and British members even going so far as to describe it as a milestone on humanity's road to peace. But an attentive observer could soon pick out the cynics in the prosecuting teams, the men whose only thought was to use the undoubtedly idealistic notions abroad at the time to further their own countries' imperialistic aims. The Tribunal also attracted a considerable number of hangers-on of the kind that can be found clinging to the coat-tails of every new and successful cause; yet alongside all these

there were many genuine and pious enthusiasts who thought of themselves as the prophets of a new doctrine of earthly happiness and whose good intentions ought to have been plain for all to see. These men held the view that war-guilt was a fact which could be objectively established and punished, and they hoped by doing so eventually to banish war from the earth. They strove towards a goal for the sake of which they believed no sacrifice—and no mistake—to be too costly. I was subsequently deeply impressed by the way these idealists did not shrink from the possible consequences of their views to themselves and by the moral courage with which they warned their colleagues when they felt the occasion demanded it. It was Gaston Oulman who was largely responsible for the fact that, during the trial, most of the prisoners found it hard to recognise and appreciate this group.

Moreover while we were still in prison we learnt that by means of his practically unlimited influence, which he pretended to be going to exert on behalf of various dead and captive celebrities Oulman made advances to their wives and daughters. . . . He was one of the many jackals who followed in the wake of the conquerors.¹

It was only later, when the whole publicity system was removed from the iron control of the Prosecution that Germany was able to hear and read truthful and unbiased reports of the Nuremberg trial.

¹ A year later, a warrant was issued for the arrest of the radio commentator of the trial. It then transpired that he was not of Cuban origin. The scoundrel was living in comparative security in the Saar where the Chief Public Prosecutor was a friend of Nuremberg days; eventually he was taken into custody by the French police on charges of fraud, blackmail, and trafficking in false passports.

Oulman stated that he had been in a concentration camp, which was proved to be untrue, and after his arrest claimed that he was a Jew and asked to be released so that he could take part in Israel's fight for freedom; however, his claim to Jewish descent did not tally with other information at the disposal of the authorities. After a number of curious escapades he died in Paris in the summer of 1949. The name "Oulman" was shown to be an alias but his true identity has never been established.

CHAPTER THIRTEEN

Can Such Things Be?

TO ME the most tremendous point in the whole indictment lay in the massacre of the Jews. This was not a question of conflicting opinion as was the subject of war-guilt, but of plain indisputable fact.

At first the evidence that several million Jews had been killed in Germany and German-occupied territory was submerged in the general flood of accusations about mass murders at hundreds of different places in which the total number of dead claimed by the Prosecution varied from five to eighteen million. Moreover, a number of the place-names mentioned by interrogators and prison officials as the scenes of these killings were soon shown to be incorrect; they spoke for instances of gas-chambers at Dachau, where, according to unimpeachable accounts, there had never been any. As a result of this sort of testimony a number of prisoners formed the impression that the whole charge was simply an exaggerated description of the pogroms which had been reported in 1941 from several places in German-occupied eastern Europe.

I myself called to mind the principle enunciated by enemy publicists even before 1939 as the essence of war propaganda: the antagonist must be portrayed as a monster without relieving features. And I could not help thinking of the legend of children's severed hands in the first World War, while at the same time I remembered the replies given by the German information centres to whom I had submitted all current reports of atrocities, and who had disputed their accuracy in no uncertain fashion. Were then the present apparently overwhelming charges of mass murder only a continuation of Allied propaganda?

The detailed verbal statements by prosecuting counsel of alleged crimes, which often betrayed a surprising ignorance of German conditions, were not convincing; and many of the documents produced in their support seemed equally without foundation. Such documents often showed little more than that the same facts can be very differently described, and the same words very differently interpreted.

Then suddenly, surprisingly, came a change of tactics. We found ourselves watching a documentary film.

The hall was darkened and a row of little lamps on the edge of the dock lit up our faces from below so that Dr. Gilbert, the psychologist, who had planted himself in front was in a good position to watch our reactions. In the face of these preparations many of the prisoners deliberately assumed blank expressions; some turned their backs on the screen and Dr. Schacht remarked that he himself had been in a concentration camp and needed no film to tell him what it was like. Others however never took their eyes off the ghastly scenes now displayed before us.

One and all we were at first profoundly sceptical as to the authenticity of the pictures, though the rows upon rows of pitiful living skeletons reminded me of my fellow-sufferers in the Lubianka. The bales of human ~~be~~ aroused immediate doubts in our minds as to their origin and those of us who were watching gazed searchingly at the successive heaps of corpses in an endeavour to light on a clue as to when and where these camera shots could have been taken. In the end, however, all our resolve to be coolly critical gave way to sheer elementary pity for these tortured creatures. No matter where the pictures had been made, no one could doubt that they were pictures of human beings, men, women, children, who had once lived and breathed, loved and hoped, and had been foully done to death. Did it matter what language those lips had spoken before they were silenced for ever, what thoughts were housed in that brain before it was

crushed to pieces? The poor body, so soon to be reduced to ashes, had once lain beneath a mother's heart.

The majority of us, who had looked for some cunning ulterior motive behind this film display, were shaken to the depths. But out of our very emotion there arose once again the persistent question: might not this documentary show more than anything else simply be a new aspect of the blind murderous frenzy of war, of those horrors which in a single generation have grown from the soldiers who fell in Flanders to the women and children torn to pieces in Dresden? Are not these frightful forms of death the work of primitive forces which man himself has unleashed and which have passed beyond his control? Or are they the outcome of individual cruelty and a deliberate will to destroy? The film showed the most hideous defilement of God's image; was that defilement due to some power outside man, or to a brutal and cynical human purpose? Sickened though we were, this question tormented us as we marched back to our cells.

Almost immediately two of the psychologists came in. I begged them to leave me alone; they went away and returned with a doctor who offered me sedatives to calm my nerves and make me sleep; I refused them. Confronted with such problems as this day had brought forth, it would have been impossible to take refuge in unconsciousness; I had to face them and come to terms with them.

Some of us did so to the best of our ability. Having no written material at our disposal we argued among ourselves, basing our discussions on personal observations conjecture, and posterior inferences. Finally, as a result of these discussions we came for the time to the conclusion that these harrowing pictures would probably not bear minute investigation; too many extraneous scenes, too many coincidences, appeared to have been incorporated in them so as to enhance their general effect. Moreover even if the film as a whole did present an alarming image

of what had really happened, it still did not constitute proof of any one of the particular mass murders which the Prosecution declared had taken place.

But this proof was furnished verbally by two witnesses, Ohlendorf and Höss, before whose testimony our scepticism (already shaken) about the accuracy of this part of the indictment gave way completely. They established beyond doubt that a systematic campaign of murder had been launched against the Jews. Ohlendorf described how tens of thousands in East Germany—men, women, and children—had been shot, one by one, by specially detailed squads; while Höss admitted having studied the arrangements made by the German Commissioner Wirth at Treblinka (a camp in Poland) so as to be able to reproduce them on a larger scale at Birkenau near Auschwitz, where by means of a vast industrially-organised human slaughter-house the number of slain ran into hundreds of thousands. There was nothing to indicate that either of these witnesses was telling anything but the stark hideous truth; nothing that I heard at any time was calculated to shake their evidence.

Their statements naturally produced a tremendous effect in the dock. Nobody questioned the honesty of the evidence but some of the most important details were called in question and there were heated arguments both about the instigators of the massacres and the various circumstances attendant on them.

The Prosecution now furnished us with stacks of documentary material and produced whole groups of witnesses. There was evidence of atrocities committed on non-Jewish civilians in concentration camps, many of which were conclusively proved to have been carried out on lines similar to those established for the murders of Jews. Many of the witnesses of these events were obviously given to exaggeration and generalisation, but there were those whom it was impossible to doubt and their testimony was entirely sufficient.

These were followed by charges in connection with the treatment of foreign workers in Germany concerning which, in my opinion, the Prosecution were under a complete misapprehension; a point of view which was later justified by Sauckel's examination.

Next came the problem of war-guilt and I am bound to say that the material submitted by the Prosecution under this head made a deep impression on me, for it contradicted my earlier information about the aims of the German Government. All the evidence submitted, however, disclosed only the merest fraction of the many-sided developments which led up to the second World War.

The documents furnished by the Allies were barely sufficient for the demands of political propaganda, let alone all the manifold requirements of a trial which was admittedly of supreme historical importance. The historian will have to seek further information and at present it is only in America that the raw material is to be found for a really unbiassed study of the origins of the first World War and the consequences of the Treaty of Versailles, a treaty which did not satisfy the victor and caused the masses of the vanquished to plunge from one radical extreme to another. Moreover such an investigation would be an essential preliminary for any analysis of the unrest that permeated central Europe in the '20's and '30's and culminated in the second great conflagration.

The contention that, after a certain date, Hitler was bent on war with Poland struck us as forced; unquestionably he did not want a simultaneous conflict with the West. Whether he would have provoked such a conflict later, or whether he would simply have put forward claims to more territory and a suzerainty over the western powers remained one of the most hotly disputed points in the whole of the trial. Certainly none of the evidence showed any conclusive proof that he even entertained a wish to attack the American hemisphere.

But Hitler's determination to smash the Soviet Union was proved. There is no doubt that he aimed at making the Russo-Ukrainian region a political province of a greater Reich; but, on the other hand, the supremely important question as to when, and for what reason, he made up his mind to launch the colossal attack at the moment he did remained open.

Any comments that I was able to make from my own knowledge on the evidence furnished by the Prosecution I wrote down afterwards in the quietness of my cell. These notes were made without the help of any written material, which was of course in one way a disadvantage, but on the other hand enhanced their value as an unprompted personal account, devoid of the distorting influence that other testimony, constantly referred to, often exerts on such documents. First my own conscience, and then the Prosecution and the Bench submitted these notes to a very careful scrutiny.¹

When, after a year in Nuremberg prison, I came to testify in my own defence, and found the searchlight of public attention suddenly focused on me; I was able because of this preparation to answer every question put to me without hesitation. Certain journalists observing that I showed no signs of being at a loss for the right word (as was usually, and very naturally, the case with prisoners) accused me of lack of feeling and reported that I had profited by the total breakdown of my former world to adopt a coldly intellectual position and so build up the best possible personal defence for myself. The truth was that nothing that the Prosecution could do in the matter of cross-examination could compare with the gruelling self-questioning which had preceded it. All that I produced in court were the burnt-out ashes of what had once been red-hot lava.

¹ They appeared in published form in 1948 under the title *Hans Fritzsche Speaking* (Interverlag Zurich), and in 1949 under the title *Thus Spoke Hans Fritzsche* (Thiele-Verlag, Nuremberg 11).

CHAPTER FOURTEEN

German Witnesses

THE PROSECUTION'S German witnesses riveted our attention even more than the foreign ones. The first of them was General Lahousen, a close collaborator of Admiral Canaris who had at one time been responsible for the defence of the Reich and who, for his share in the July *Putsch*, had been subsequently sentenced to death and executed. Lahousen's evidence met with incredulity and violent opposition from nearly all the prisoners; though had he spoken after Ohlendorf instead of before him the accuracy of his assertions about the squads detailed for "special employment" would not have been questioned. His personal accusations against Keitel and Ribbentrop, however, remained a subject of dispute to the end.

One of Lahousen's statements in particular gave us all food for profound thought. He said that the position Canaris and his group took up after Germany had become involved in the war could be paraphrased as: "We have not succeeded in preventing this war of aggression; a war which means the end of Germany and of ourselves, as well as a general catastrophe of untold magnitude. *But an even greater catastrophe would be the triumph of the Nazi system, the frustration of which must be our ultimate aim and purpose, to be achieved by every possible means at our command.*" (Deposition, Vol. II, page 940.)

Most of the prisoners saw in this admission nothing but a resolve on the part of men holding positions of the highest responsibility to sabotage their country's war efforts, and as a result many of us ceased to have any confidence in Lahousen's statements about our government's criminal intentions. After he had given his evidence

there was great excitement in the dock and much discussion of Canaris' action. We all asked one another what particular measures the group could have taken "to frustrate the triumph of the Nazi system"; while Ribbentrop and Keitel declared that the testimony we had just heard about their own personal activities was entirely without foundation.

After careful reflection, Goering decided to cross-examine Lahousen himself and got his counsel, Dr. Stahmer, to draw the Tribunal's attention to paragraph 16 of the Statutes, in which was laid down the accused's right to question every witness, either personally or through their lawyers. Stahmer asked for a ruling from the court as to whether this provision held good in the present instance.

After Mr. Jackson had emphatically objected to the proposal, the Bench conferred briefly and then gave their decision; the application was disallowed, prisoners represented by counsel were not permitted to question witnesses personally. Thus Goering was once again denied an opportunity to speak for himself, and Lahousen was interrogated only by the lawyers whose methods produced no sensational results either to our advantage or against it and left the more doubtful points raised by his testimony still unresolved.

By a literal interpretation of the statutes governing the procedure of the Tribunal the Bench's decision was no doubt admissible; nevertheless we deeply regretted it, for the examination of a witness by a knowledgeable prisoner often achieves results which amply compensate for untoward incidents and loss of time.

Witnesses of the Lahousen type were by no means uncommon, the most conspicuous of them being Dr. Gisevius, another follower of Canaris. Despite many individual differences these men of the July *Putsch* were all agreed on one point—they believed the political

system they served was criminal and even as they operated it resolved to bring it down in ruin. From many conversations with Dr. Schacht, who sat immediately in front of me in the dock, I became well acquainted with the ideological principles of this kind of camouflaged political warfare, and learned of the many curious and tragic consequences of such a conflict between opposed loyalties. It was often difficult to discover the real reasons for these movements or estimate their quality; many of those involved in them appeared to have intelligible and worthy motives for their actions, qualms of conscience as deep and real as any to be found in Greek tragedy; others, on the contrary, seemed to have been guided only by the most contemptible considerations.

Some of the prisoners, notably Goering, Rosenberg and Seyss-Inquart, definitely cold-shouldered those of their fellows who had taken part in "camouflaged" resistance movements, while even those of us who did not regard such men as traitors and respected their conscientious scruples, could discern nothing convincing in the evidence given against us by men who naturally saw everything that had happened from a biased and, so to speak, negative point of view.

We watched with close attention the way the Prosecution's treatment of witnesses of this colour changed as the trial progressed. At first they were handled as if they were living proofs of their own assertions about the criminality of the Nazi system and their determination to resist it: then a tendency to look for outside confirmation of their evidence began to show itself, and finally, when the question of the witnesses own guilt arose, it became obvious that the genuineness of their opposition to Hitler was regarded with the profoundest scepticism.

The testimony of the former "*Obersturmbannfuhrer*" Sievers which developed in a most dramatic fashion was a case in point. Sievers had once held a leading position in

the "*Ahnenerbe*", an organisation for the study of heredity instituted by Himmler. As an example of some of the horrors perpetrated in the name of science by the *Ahnenerbe*, Sievers described how groups of living men were sought out and earmarked for the collection of skeletons it was part of its duty to build up.

For some little time the hearing of this testimony concerned none but parties not in court, and Colonel Amen, examining for the Prosecution, treated his witnesses with the respect which would naturally be accorded a man whose word was to be regarded as especially trustworthy. Then, suddenly, he switched his hitherto polite enquiries to Sievers himself and his own participation in the events he had just described with such disgust. The astonished witness sat bolt upright in his chair and declared in offended tones that the Prosecution were well aware that he had only accepted and retained his post at the request of a resistance group, and that from the trend of the previous examination he had assumed that his part in these activities was clear to everyone. With a wave of his hand the prosecutor dismissed this objection and proceeded to intensify his attack on the witness. Immediately after the end of our trial Sievers was himself accused and was later sentenced to death and executed in Landsberg prison.

Differently constituted, but equally ineffective in their efforts to help themselves, was another temporarily privileged group of Prosecution witnesses. These were those who claimed to have experienced a belated revelation of the criminal nature of the society in which they had formerly lived and worked with some success. The most significant exponent of this point of view was the former S.S. Leader von der Bach-Zelewski who declared, among other things, that before the beginning of the war in the east, Himmler had asserted that a principal object of the campaign was to be the extermination of thirty

million members of the Russian population. While under examination from the Russian prosecutor Pokrwoski, Bach repeatedly reaffirmed this evidence and added that special measures had been taken to ensure the success of the project.

We stared at one another open-mouthed; hitherto not even Allied propaganda had gone so far as this. Bach, however, had still more to say: when Dr. Thoma, Rosenberg's counsel, was cross-examining him, the witness, who was feeling the strain, became very excited and declared that he looked upon such an attempt at mass-extermiation as the logical outcome of the National Socialist *Weltanschauung*. At the time, it was true, he had not held that opinion but since then his views had changed and he could see the inevitable consequences of such an ideology more clearly.

At the end of Bach's examination there occurred the first "incident" of the trial. As the witness was conducted down the hall and out by the central door he had to pass the corner of the dock where Goering sat. As he went by the Field-Marshal rose and said: "Schweinehund!" He spoke quietly, without the least sign of emotion, but loud enough for the whole court to hear.

The blood rushed to Bach's face and he stopped short in his tracks; but he did not turn his head, and left the court in silence.

The insult was not translated over the microphone but everyone who was not familiar with the expression inquired what it meant, even the judges leaning back to question the two interpreters who always sat behind them.

The incident gave rise to three results, the first being that all witnesses were henceforth conducted to and from the court through the interpreters' small entrance near the front of the hall. This meant that it was no longer Goering who occupied the front seat, but I, who sat in the last, who had the first glimpse of their entrances and exits.

Secondly, Colonel Andrus made us a speech in which he once again stressed the great store he set on quiet and dignified conduct during the proceedings. And thirdly Goering was sentenced to loss of tobacco and exercise for four weeks. That was the first time that all of us accused—I say, all—demonstrated their sympathy with the Field-Marshal and, through a third person, expressed it to him.

But an insult throws more light on the character of him who utters it than of him who receives it, and Goering's "*Schweinehund!*" gave me no clue to the psychological puzzle presented by Bach and his fantastic assertions. For a long time I tried to find some common denominator between his character, which was certainly not that of liar, and the real truth which had led him to make such a declaration.

After the trial I saw Bach in the witnesses' quarters at the prison, where though surrounded by many of his former comrades he led an isolated existence. Without my asking he poured forth all sorts of reasons in explanation of the evidence he had given in court. I was not interested in these excuses for to my way of thinking it was not merely his right, but his duty, to say what he knew. But *what*, in fact, *did* he know? Whenever in the course of conversation I tried to find out what actually lay behind his statements he would only assert that he had not lied. I believed him, but it didn't get me any further.

It was another inmate of the witnesses' quarters, a man with intimate knowledge of the men who had composed Himmler's *entourage*, who eventually produced the solution. This man, a former S.S. Leader, elicited from Bach the information that the evidence about Himmler's murder-campaign did not actually originate with him (Bach), but from the former S.S. Leader Peiper. Peiper, who had been Himmler's adjutant and the commander of a regiment of Panzer guards and had been decorated with the Oak-Leaf, was finally sentenced to death at the

Malmédy Trial at which methods were employed that aroused public indignation and led to the intervention of the American authorities.

The Prosecution at Nuremberg had submitted to Bach an alleged confession of Peiper's according to which Himmler—in the presence of Peiper and others, including Bach—had drawn up a plan by which, under cover of the military campaign forty million Slavs were to be slaughtered. At this point Bach—as he now averred—turned indignantly to the Prosecution's interrogator and declared that Himmler had spoken of killing "only" thirty millions. In conclusion Bach told my informant that after this admission he could no longer deny the fact of the proposal and had to give his evidence accordingly.

Now, at last, we were getting near to the heart of the matter and the former S.S. Leader from Himmler's staff was able to put the whole story together. He remembered indeed the very occurrence on which it was founded. One evening early in 1941 Himmler and some of his cronies were sitting round the fire in the Wevelsburg; in addition to Bach and Peiper there were present Heydrich, Daluge, *Obergruppenführer* Wolff, and Rauter, one of the Gestapo chiefs in Holland. Himmler spoke of an impending war in the east, which, he said, was unavoidable, the only question being when it would start and who would fire the first shot. He warned the company of the difficulty of the coming conflict and said in effect: "Germany is technically, Russia numerically, superior. The Soviet has unlimited power over its citizens and will sacrifice them without compunction: should Germany allow herself to be similarly tempted she will incur instead of strategical victory biological defeat." Later in the evening Himmler computed the possible casualties on both sides and estimated that in view of their determination to resist, and taking into account epidemics and famine, the Russians' losses might total anything up to thirty million.

What a revelation! Himmler's calculations of the enormous losses caused by military action and the general results of war were of course something very different from a deliberate and diabolical campaign of murder. I was reminded of Clémenceau's "*vingt millions de trop*"—an expression which had been exploited by our German propaganda. But surely we had never distorted that remark beyond the bounds of reason as this not dissimilar calculation of Himmler's had been distorted! I could see at last exactly how, in the hands of a determined Prosecution, Himmler's thirty million hypothetical casualties had become metamorphosed into thirty million victims of a premeditated murder.

Bach was not the type of man to avoid this kind of thing. His was the sort of mind peculiarly susceptible to the latest impressions it had received and his outlook, formerly imbued with Nazi ideas, now bore the clear impress of Allied propaganda. This example of a particular piece of testimony with its background and its sequel, might be cited as an example of how it is possible to shift the emphasis of evidence from one point to another and so alter its whole bearing and significance.

Sometimes, however, this "shifted emphasis" resulted quite simply from the overwhelming pressure of current public opinion; and for this I was to some degree prepared by my interviews with various leading figures in Berlin and Moscow and later at Nuremberg which had made me realise how much a human being's point of view depends on the political climate he finds himself in.

It seems to me as though people can only manage to see things at all clearly when some political wind or storm is blowing from behind them; if they turn against it it blows directly into their eyes and they become blinded. My first reaction to this discovery was a feeling of profound contempt for my fellows; a feeling which on closer examination turned out to be quite unjustified. For our

views about the world we live in are in truth like so many flags, kept flying by the prevailing current of opinion. If the wind is strong enough they will continue to display their colours in the same direction—until the weather changes. In the dock I used often to discuss with Speer and Schirach the question of maintaining a happy medium between a too inflexible and a too impressionable political outlook; and we came to the opinion that many of the sufferings of our nation could be traced back to this one question, in which politics, morals, intellect and character all play their separate parts.

By far the most interesting of the witnesses whose testimony could be labelled as belonging to the "shifted emphasis" category was the former Field-Marshal Paulus, who on the afternoon of 11th February was, to our astonishment, brought into the court room by the Soviet Prosecutor Rudenko. On the following morning he was cross-examined by counsel and immediately afterwards flown back to the Soviet Union.

To no other witness did my companions in the dock look forward with such excitement as to the Commander-in-Chief of that Sixth German Army which had been annihilated at Stalingrad. In our opinion he was a dominating figure at the very turning-point of the second World War; but in the minds of many the outlines of his ascetic, scholarly face with its clear-cut features have, thanks to propaganda and rumour, grown blurred and indistinct. Even after his capture I had felt compelled to champion Paulus against the many attacks launched against his reputation; for I had come to know him both as a man and as a commander. Three years before the Nuremberg trial I had bade him farewell in a hut on the Stalingrad front, and the photograph of himself which he had then given me had been the only picture of a man ever to find a place on my writing-table (where it remained in undisputed possession until in the closing

days of the war it was finally buried beneath a heap of rubble).

When I said good-bye to him Paulus had made me promise that when I reached Berlin I would draw attention to various matters which we had often discussed at the front—criticisms of German methods of warfare and garrisoning captured territory as well as of the general trend of political affairs: at that time such things had seemed to us merely unwise, yet now, magnified a thousandfold, they were being brought up before us as criminal actions.

From my place in the dock I noticed as the Field-Marshal took his place on the witness stand that the features which even in earlier days had marked him as an outstanding character, had sharpened. Moreover they had assumed an unnatural rigidity which extended to their owner's gestures, manner of speech and, it soon became evident, mental outlook. I felt that this man could never have become the tool of political bigots, his moral courage alone being sufficient protection against any attempt to blackmail him into making false statements. Yet, on the other hand, I reflected that he was easy to approach and, while well able to resist compulsion, susceptible to subtle influences—though I believed him too intelligent to have exposed himself to the dangers of argument. I awaited his evidence with the keenest interest.

By five short questions Rudenko extracted from his witness, who sounded as if he had been well drilled, an outline of the German plans for the campaign in Russia. First came an account of the original rough sketch produced by the General Staff in the autumn of 1940, and a description of the preliminary military discussions with our allies; then a brief summary of the mounting of the assault and finally an analysis of the supposed political motives behind the campaign. In the course of his answers Paulus did not omit to mention the three men in the dock

who had participated in these preparations; Keitel, Jodl, and Goering.

I listened with closed eyes to the new quality in the well-known voice as the witness delivered his evidence in a level, self-assured tones; then suddenly he began to speak more loudly and rapidly, as though preparing to surmount some logical obstacle ahead. He described the steps taken to ensure the success of the operational and tactical assault of 22nd July, 1941, and then, speaking now at top speed, declared: "All these measures go to show that this was a sudden and criminal attack."

I started at the words. Was this trained thinker really unaware that there is nothing essentially wrong about surprise attack, as such? That a military *coup* need not, in itself, be regarded as a crime? Did he really not know that it is only deliberate and unprovoked aggression which infringes all the written and unwritten laws of humanity?

Next morning Dr. Nelte, Keitel's counsel, cautiously but insistently questioned the witness on why he had assumed from the secrecy of the German plans that an attack of a criminal nature was contemplated. Paulus explained that he had received instructions to prepare a rough theoretical draft as early as the autumn of 1940 and that even at that time he and others who were privy to the cheme had recognised this as the prelude to an unprovoked surprise attack on the U.S.S.R. Pressed, he said that there were indications that a military project of a criminal nature was not to be "excluded" from the plans. It seemed a very poor argument on which to base a far-reaching assertion of guilt.

Dr. Nelte then directed his attack against Paulus personally, and when he had got him to confirm that he had himself taken an active share in the preparations for the campaign, although he had already recognised their criminal intent, he asked the witness to tell the court what conclusions he had drawn from this painful situation.

Paulus was reluctant to reply; it was obvious that he had in mind the German legal principle that no witness is compelled to incriminate himself. But the court insisted, and he then explained that he had voiced his objections, both technical and moral, to his superior officer General Halder. What action the latter had then taken he did not know. . . .

Taxed with having played an active part in the carrying out of the attack he answered that he had realised the full extent of the crime only in the light of his experiences at Stalingrad.

This brief cross-examination conducted almost in undertones was a hard struggle, but a harder was to come. Professor Exner, the *doyen* of the German Defence, now took up his position and in his quavering, old man's voice asked a number of sharply-pointed questions, based, as I knew, on evidence which had originated from Jodl. Owing to his unique professional standing Exner was able to tackle matters which—in the presence of this famous witness—were in everyone's thoughts but had not yet been touched upon in public. •

Had Paulus ever sent loyal telegrams to Hitler, afterwards repudiated?

The witness's reply, on oath, was an unequivocal negative.

Had he been actively employed as an instructor at the Moscow Military Academy?

No.

Had he occupied any other position in Moscow?

No.

Did he hold any position now, while in prison?

No. He was in a P.O.W. camp, like everyone else.

For years, Paulus had been the victim of rumours. Now he was in a position to deny them in sworn statements and he seized the chance afforded him and exploited it to the full. Thus what had begun as an attack on the Field-

Marshal developed into an unique opportunity for his defence. But then came the critical point. Professor Exner recalled that there had been a remarkable concentration of Soviet troops in the winter of 1940-41. Had the witness been aware of this?

Paulus did not remember.

Dr. Laternser, who was representing one of the accused Nazi organisations, asked the same question and enlarged on it. He mentioned a conference that had taken place at Obersalzburg on 3rd January, 1941, at which the witness had been present. Did the Field-Marshal recall the occasion?

Yes, he recalled the occasion.

Was not the conference concerned with the alarming fact that one hundred and thirty-five Red divisions were concentrated on Germany's almost undefended eastern frontier?

Paulus had no recollection of that.

No one raised the moot point as to whether, in view of the Russian menace, Hitler had decided on a preventive war. The court was interested only in the military facts on which Paulus' former activities had been based and which were the subject of the present enquiry. Was it thinkable that he had not been aware of them at the time? Could it be possible that he had now forgotten them?

Like the impact of hammer-blows on a locked door came the steady reiteration of the plain question: "Did you know about the movements of Russian troops?"

Paulus did not remember.

Could this witness who had emerged from the unknown and would soon vanish once more into the unknown really be the great Paulus? The same question was put in a dozen varied forms, and in a dozen varied forms the answer, given in a tired, colourless, but always clear voice, was a consistent negative.

This testimony, I suspect, was also in a sense an example

of "shifted emphasis". The Soviet authorities had extracted a sworn deposition from Paulus in Moscow as far back as the 8th January, 1946—obviously as a precaution to make him toe the line—and had brought it along with their prisoner in case of emergency. A few extracts from it, sufficient in themselves to brand it as a typical eastern "confession" were read in court. I knew how such evidence originated, but I still wondered what had reduced this man to such a state of mental confusion. Had he been drugged? Perhaps. He certainly appeared physically ill and exhausted.

When the witness had disappeared, one of the Soviet prosecutors continued the reading of a speech which had been interrupted the previous day, but we scarcely listened. Soon the mid-day break came, and I hastily pushed my way to the opposite end of the dock, so as to take every advantage of the chance for a brief talk before dinner.

The three prisoners whom Paulus had denounced were in a group by themselves: Keitel silent, Jodl very bitter on the subject of the gaps in the witness's memory, Goering gnashing his teeth and repeating the single word "Traitor!"

I could not help saying: "If this man deliberately betrayed his country—which I don't believe—then there must have been something wrong with the country." Seyss-Inquart, who was just behind me said: "It's because we lost the war." To which, I remember, I answered: "No, that can't be the only reason. Real love is strengthened by misfortune but *our* finest men have lost faith in their ideals."

During my silent meal there arose against the background of bare wall before me the image in my mind's eye, of those millions whose good intentions had once been directed to peaceable ends. Yet later those very same good intentions had worked in such a way as automatically to

prevent and outlaw a peaceable issue from the world's difficulties. I saw those who withdrew from the struggle because they felt it their duty to take sides against the government of their militarist Fatherland and after them all the serried ranks of the now leaderless multitude; their good will frustrated and purposeless. Man must be free to love unconditionally if he is not to sacrifice himself unconditionally.

Behind me the guards were engaged in noisy conversation. I leaned across to Schirach and whispered. "The legacy of this war is something more tragic than death, destruction, and a shattered Reich. It is a complete inability to distinguish right from wrong, good from evil; the moral compass no longer points true. You cannot rebuild ruins with bad mortar."

Schirach replied: "The secret slaughter of the Jews is the curse that lies on us. . . ."

CHAPTER FIFTEEN

The Prison Chapel

SHORTLY BEFORE the arrival of the main stream of witnesses for the Prosecution the Tribunal rose for a brief Christmas recess.

We prisoners awaited the festival in our cells. Most of us had no idea whether our nearest and dearest were still alive and our thoughts of them were clouded by anxiety and fear, by incessant futile imaginings and misgivings. We longed for news of them. For one of those in Nuremberg gaol that wish was tragically fulfilled. On Christmas Day the former Minister of State, Lammers, who was being held as a witness, received back a number of letters he had written to his family on the chance that they might reach their destination; with them came a terse message to say that his wife and daughter after terrible sufferings had made away with themselves. . . .

I was very anxious to secure a candle, by the light of which I could send a silent greeting to my dear ones and read those words in which man's yearning for peace finds its deepest expression. There were large stocks of candles in the prison, ready to hand in case the electric light should fail, so that when it proved impossible to obtain one either from the guards or the German orderlies, I realised that there must be a ban on them. And so it turned out. An order had been issued to the effect that we should receive "no special treatment" on feast days. In practice this meant that both treatment and feeding changed greatly for the worse so that on Christmas Eve we munched dry bread as though it were a delicacy.

At just about the same time that we received our dole of bread and water the guards outside began to experience



the effects of their Christmas liquor issue. Every time they were relieved they grew merrier and noisier until it became almost impossible to stop one's ears and maintain one's inner poise. The armour of feigned indifference is never more easily pierced than on such occasions of general festivity.

A Christmas Eve service had been promised to members of both denominations, but evening came and we waited hour after hour in vain for the summons to chapel.

It was not the prison authorities, however, who were to blame for the state of affairs on the 24th December, but, curiously enough, the press. From the early morning of that day the journalists had been trying their best to get information about the way the defendants in this sensational trial were to spend the festival. A few of them wanted to go over the prison, and when their requests were refused tried to discover on their own account whether we were having any kind of Christmas celebrations, whether there was a church service and if so who attended it; what we were being given to eat, and so on and so forth. Every office in the prison was interviewed by telephone and the off-duty guards questioned. As a result the officers responsible got into a state of nervous tension approaching panic for fear they might be publicly criticised for showing humane treatment to "inhuman creatures".

And yet—and yet—there was an island of peace in this ocean of bitterness. We had our Christmas Services after all, the two clergymen conducting them as they thought fit. The protestant witnesses had theirs before the one I attended, but though we came somewhat late in the queue we had our share of the glory and brightness. Pastor Cerecke even managed matters so that instead of coming in with us, as they were obliged to do at all other times, the guards remained outside the Chapel—where they made such a fearful din in the passageway that the

minister was compelled to go once or twice to the door and restore order. Then we were left in peace, alone with the clergyman who had undertaken to be entirely responsible for us.

For the first time for months we were free from continual observation and I felt the suppressed agitation which had been a normal part of my life, slip from me like a loosened chain, and it seemed to me that the nervous tension among my neighbours had likewise relaxed.

The chapel was in a double cell. Green woollen blankets concealed the ugly walls against one of which stood a portable altar covered with a white cloth and surmounted by a silver cross. There was a tiny Christmas tree with lighted candles—did our loved ones, if they still lived, also have Christmas candles?

As we listened to the words which told of the birth of the Saviour, my eyes were fixed on the figure of the Crucified. He seemed to gather all the light of the little chapel into Himself and give it forth again; here more clearly than in the most richly-decorated church He stood out as the focal point of all action, all thought.

Did not the light that flowed from Him penetrate the darkness that encompassed the immeasurable human suffering of my country and of the whole world? Man must shoulder the blame and the responsibility for those sufferings, and because of them may, indeed must, strive against his fellow-man; but he has yet to acknowledge his faults before God.

Pastor Gerecke took the service with only slight variations from our usual ritual and read us the Christmas Story from St. Luke's Gospel in German, fluently but in the soft unaccustomed accents of the English tongue. In this hour all bitterness was dissolved.

It occurred to me that the American Chaplain might perhaps feel as if he were reading these words that were so familiar to us as a missionary, bringing them to the

uneducated heathen; but I dismissed the thought as unworthy and quite simply accepted the message of the Evangelist from foreign lips. I knew that my former comrades, who had shared my first imprisonment in the East, would have to forgo this comfort today.

The peace of that Christmas Eve service continued to spread throughout the next few days. In spite of outward disturbance I was sufficiently calm to be able to read, write and work and took the opportunity to formulate concise written answers to many of the questions that had been addressed to me by the Prosecution through my counsel.

More than ever the weekly service became a time for reflection for me; and again and again I noticed how, in the tiny chapel, the masks dropped and the faces relaxed. I always sat between Goering and Ribbentrop while in the next row were Keitel, Frick, Funk, Schacht, Doenitz, Raeder, Schirach, Sauckel, Speer and Neurath. Each prisoner was accompanied by his warder, who took up his position against the back wall. No talking was allowed. If a guard thought that his charge was not being sufficiently reverent, or was talking instead of saying his prayers, he would prod him with his stick. Some of us attended the services comparatively seldom, but when all our little congregation were present we had to squeeze up close to one another to find room.

When a hymn was given out, Goering, if he decided to join in, would start off happily at the beginning and regardless of whether or not he had made a mistake in the key keep steadily on till the end, oblivious of the other voices. The singing of my other neighbour however was almost terrifying. Ribbentrop, who always gave the impression of being genuinely musical, invariably remained silent until the chords of the harmonium had swelled out and the other singers found their bearings; then, cautiously, he would begin with a few long-drawn-

out notes which increased in volume till they rose to a trumpet-call and the singer's face assumed an ecstatic expression—a visible sign of how much this rather unprofessional performance meant to a man who, as a rule, had but little opportunity to express his feelings. Raeder and Schacht were, with the Minister, the backbone of our congregational singing.

Our attendance at church was, of course, more regular in prison than it had been when we were free men, but nevertheless there was no outwardly apparent instance of sudden conversion among either Protestants or Catholics. To the best of my knowledge neither Rosenberg, Jodl or Streicher ever attended a service and only Kaltenbrunner and Frank displayed a definite change in their attitude to the Church—though not to their Faith which, they declared, they had never abandoned.

But even those prisoners who never set foot in the chapel communed within themselves and frequently protested, in conversations with foreigners, against the charge that they were atheists.

After the end of the big trial many strict regulations were relaxed, and witnesses and accused were able to attend services together in the great prison church, which held four hundred people and possessed an organ. I found it a nondescript kind of place, lacking the comfort and peace that had enfolded us in the tiny chapel.

CHAPTER SIXTEEN

A Little Humour

WEEKS AND months went by and the dock became a familiar place to us. The wooden bench on which we sat was hard and narrow and the sharp-edged back-rest a penance. It was difficult to settle ourselves comfortably to listen—our bones had grown so sharp that we were constantly having to shift our positions. One day I noticed with anxiety how quickly my last pair of trousers, which would have to last till the end of the trial, were becoming worn through, therefore, every morning regularly, I smuggled into the court a blanket which proved to be a protection to my body as well as my clothes. Neurath and I sat peacefully side by side on it together and when on one occasion I was absent, he complained sadly of my neglect for his comfort.

Others soon followed our example and brought blankers with them, some even going so far as to bring half the contents of their cells, including light literature with which to while away the weary hours of the proceedings.

At this stage, however, the prison authorities again intervened; a dock full of prisoners with their noses in novels could not, he said, create a good impression. We realised this and took to providing ourselves with legal documents to which nobody could object; we found they provided excellent camouflage for light fiction—if you were not too clumsy!

The one person who never succeeded in getting away with this sort of thing was Frick. When we managed to wangle a daily paper it might pass through as many as twenty cells without being discovered; but once Frick got hold of it, he would leave it on his table in such a

conspicuous position that when the Colonel came round on inspection it was impossible for him not to notice it. Sometimes the former Minister of the Interior would become so absorbed in the paper he was reading in the dock that when a guard took it away from under his nose he would stare around, completely at a loss.

I took pity on him and showed him how to read a daily news-sheet as though it were an historical document, how to fold it and how to keep note-book and pencil ready so as to be able to conceal it by doodling in case of emergency. I even gave a demonstration of the way to impress a suspicious guard by explaining that it was not a newspaper in the ordinary sense but a "legal instrument." Trick simply did not take it in, he was a hopeless case and would hold even a small book so clumsily that it would inevitably get confiscated.

When such things happened the thing that most amused us was the indignant way the poor man would glare round at the books and papers of his companions to which no one but himself took any exception. Even the solemn-faced Rosenberg achieved a faint smile at this spectacle. I came to the conclusion that officials in captivity are the most unresourceful of people, and that the few exceptions only served to prove the rule.

All of us experienced an elementary need to escape, if only for a short time, from the depressing circle of our own thoughts. But the usual type of light reading available was inadequate: novels and detective stories completely failed to satisfy us, the only literature that proved really absorbing being classical poetry, and religious, philosophical and technical works. An exception was a book like E. E. Schacht's *Song of Bernadette*, for which we had to thank Father Sixtus.

Sometimes, too, we found making up our own poetry a pleasant change, and here Dr. Schacht proved himself the undisputed master of our group for he could rapidly turn

out neat, rhythmic verses on any subject under the sun. He always found some difficulty in choosing a theme, but once he had hit on one had no trouble whatever in committing it to paper. We two also composed and solved a series of puzzles with involved and difficult clues.

Our confined life had other curious results. Streicher, for instance, formed the habit of doing physical jerks every morning, stark naked, a practice which the guards thought most amusing so that they would stand and watch him, making vulgar jokes as they did so. The rest of us took counsel among ourselves as to the best way of providing him with a pair of drawers. Eventually I managed to beg some very old trousers, tore off part of the legs, and turning in the rough edges fastened them down with gummed paper; then, unbeknown to Streicher I introduced these home-made shorts into his cell. But he took offence at my well-meant efforts and continued to do his daily dozen naked.

Speer, who was an architect, found that the dreary dirty-white walls of his cell got on his nerves and livened them up with drawings in black, red and blue crayon which produced quite a sensation. When the officer on duty objected and said it was not allowed, Speer with a shrug handed the American the batch of instructions issued by Colonel Andrus and which covered almost every item of our daily life: there were rules about going to bed, hoarding food, the number of stockings permitted, the issue of pencils (which were given out every morning and had to be returned intact at night), and about going to the lavatory. With admirable logic Speer argued that if, in such a comprehensive code, decorating the walls of one's cell was not listed as a prohibited occupation then it must be presumed to be legal. The officer looked solemn, admitted that the contention was reasonable, and expressed himself satisfied.

Speer continued his artistic activities even in court. He would draw landscapes which though fantastic held a strange attraction for me—lofty mountain-peaks with houses and castles towering above the deep valleys which sundered them; a combination of freedom and circumscription which, to my way of thinking, sprang directly from the subconscious.

Anyone who was at all clever could pursue his own occupation in the dock; all that was required of us was that we should make "a good impression". If we did not then the guards had to intervene, which they did by prodding the culprit with a stick, a procedure for which I eventually found a remedy. If anybody poked me I would rise—to the astonishment of the entire court—and turning round ask in polite but distinct tones what was the matter? This created a very bad impression and once a warder got wise to the trick he soon learned to leave well alone!

One day, on our way to the Tribunal, we noticed a number of additional sentries armed with automatic pistols, while from beyond the Palace of Justice came the heavy rattle of armoured cars. In reply to my astonished enquiry if war had broken out again, I was solemnly informed that news had been received of a plan to liberate us. When I smiled at such profound ignorance of German psychology the American officer replied sharply that we were now the most dangerous men in the world, and where we were concerned they could not be sufficiently careful. Alas! no fairy ever prophesied at my christening that I should one day rank as one of the twenty-one most dangerous people in the world!

However, the security measures continued, loopholes were cut on each side of the gangway, sandbags piled around them and machine-guns installed, while barricades were erected at both ends of the courtyard. An anti-tank barrier was even set up in front of the main entrance in

accordance with tactical requirements and even the scrawny lilac and quince trees that grew in the shadow of the prison walls were cut down, so that no one could conceal themselves behind them.

The weekly visit to the shower-bath in the basement was thought to represent a potential source of danger and was discontinued, though a ground-floor cell was fitted up as a shower. As a result when the boiler was heated on Fridays, we now got no more than a thin trickle of water; but by way of compensation we were allowed to go for a cold shower every morning before seven. Papen, Seyss-Inquart, Sauckel, Frank and myself were among those who, summer and winter, availed ourselves of this permission and eventually blessed the Americans for their precautions. For the idea of an attempted rescue was entirely without foundation and our captors unnecessary preventive measures resulted in a decided improvement in our existence: the cold morning shower invariably put to flight one's nocturnal bogeys.

Stories of alleged attempts to kidnap Goering were published many years later. To anyone who knew the circumstances that prevailed at Nuremberg during the trial the astonishing thing about these reports was the number of things which appeared to have escaped the author's notice. Even the bare notion that Goering could have got past the sentries in disguise with forged papers could only have cropped up years after it was all over; at the time his short, stocky figure and strong features were so well known that he could not have escaped detection in any clothes.

Another odd point about these accounts was that in them the prisoners consulting-room was always referred to as Room 57, whereas prisoners and counsel never spoke of it as anything but Room 55. Only the Americans, who had no contact with us Germans, seemed to have the figure 57 firmly fixed in their minds because they had to

pass through a room bearing that number to get to Room 55.

Again, these stories mentioned a lavatory in which it was possible for a man to climb over a partition and get into a part reserved for women. Such a lavatory may, of course, have existed in the Palace of Justice but the one used by the prisoners, and to which they were always escorted by a warder, was very different. It had only one door and its windows were barred.

CHAPTER SEVENTEEN

The Rending Of The Veil

TO ALL outward appearance the character of the dock remained unaltered during the four months the Prosecution called their principal evidence. Day after day the twenty-one of us stayed, scarcely moving in our seats, like so many lay figures which had been placed on one side and forgotten, while the press criticised our "indifference and apathy". Inwardly, however, there had been many changes in us, for the flood of accusations levelled at our heads could not but have its effect.

The Prosecution appeared to have originally drawn up a scheme for the division of its work between the representatives of the four Powers. In practice, however, with some exceptions the same charge was simply repeated four times, though always a little differently, and at some cost to lucidity. It was often difficult to follow the main thread of the argument through the maze of sixteen weeks of speech-making; and a feeling of irritation over the unessential details introduced often got the better of our reason.

In the beginning we resented the manner—real or imagined—in which all the charges were exaggerated. It seemed to us that the Prosecution was attacking us with that caricature of National-Socialism which had been such a feature of enemy propaganda both before and during the war. There was the assertion, for instance, that each one of us at one time or another had raised the cry: "Germany, awake!—Down with the Jews!" We knew that, even in the Third Reich, this slogan met with no response among decent people, and that only one of us had ever actually used it; but we were saddled with it,

in all sincerity, as a matter of course and suffered world-wide publicity as its exponents. The result was a not unnatural indifference to the proceedings, even when we were confronted with fresh charges.

It was stated that for years all of us had been engaged in planning and preparing for war against France, England, and America. I could not help recalling how dismayed not only the German people, but even the men in the dock beside me had been at each of these declarations of war. The political needs of the conquerors were all too evident; in the flush of victory they were seeking to base their theory of war-guilt on firmer ground than they had been able to do at Versailles. For that reason the Prosecution would tolerate no explanation save an immediate, cold-blooded, criminal purpose to go to war on the part of Hitler and his colleagues. When they taxed us with deliberate inhuman cruelties and war crimes most of us failed to identify ourselves with such charges; instead our minds turned to the Allies' harsh and lawless methods of warfare. Ihus some who had only too much to say on the subject, remained silent when their turn came to be examined.

At first, all unsuspecting, we ridiculed the statement that a conspiracy had existed in our ranks; it was only by degrees that it dawned on us how wide a scope is covered by the term "conspiracy" in Anglo-Saxon law. The following may be cited as an example:

Question: "Is a new member of a gang, which has already committed a murder before he joined it, to be considered as equally responsible for the crime?"

Answer: "Yes."

That scared us, for by this reasoning each one of us could be declared responsible on the ground of "conspiracy" for things of which he was entirely ignorant or

which he had repudiated and perhaps even actively resisted. Moreover, by that time we had become accustomed to hearing the political institutions of our defeated country referred to in the jargon of criminology.

There were, of course, not only collective but also individual charges and these on occasion could not have been more precisely worded. In this way Keitel was accused of being concerned in the shooting of more than fifty captured officers of the Royal Air Force, and Kaltenbrunner held responsible for numerous orders bearing his signature authorising the execution of prisoners without trial. Most of these individual charges, however, were interpolated by the Prosecution between sundry statements made on behalf of the Defence and were produced later; the first four months were mainly taken up with general accusations against the internal administration, policy and military methods of the Third Reich under Hitler's Government.

The link between some generally established crime and a particular prisoner was often very weak, and for this reason most of us made an effort to sort out individual instances from the mass of general information—which proved to be rather like trying to pick out single marked stones from a roadside dump.

The apparent "apathy and indifference" in the dock now began to be no more than camouflage for keen activity. Each of us engaged in a feverish survey of documentary evidence which was itself often anything but easy to obtain. Sauckel wanted the text of the instructions he had issued concerning the treatment of foreign workers, a year ago these instructions were to be found all over Germany, now they seemed to have vanished from the face of the earth. Streicher enquired for documents relating to a certain hostile threat to destroy, not the German Government, but the German people; they had

been published in America by a Dr. Kaufmann—but how to lay hands on them in the present muddle?

In practice there were only three sources of information at our disposal: the documents belonging to the Prosecution, which were naturally biased; a complete set of the south German edition of the *Völkischer Beobachter*, which contained comprehensive references to much important evidence; and the library of Erlangen University, which would certainly not have been of great use for our purpose. Owing to these circumstances nearly every prisoner carried out researches on his own behalf, though not exclusively for his own benefit. Only Keitel and Jodl, the two military men, and Raeder and Doenitz, the Admirals, stuck together and held a little aloof from the rest of us; generally speaking anyone who happened on an interesting document would pass it on. I, as the least busy, was given the job of searching old newspapers for dates and other circumstances relating to the Katyn discoveries; a subject which the Soviet Prosecution had been so careless as to broach. But there was not sufficient opportunity in the court room for real communal work; for this we needed properly organised general meetings and these were forbidden, permission to hold them not being granted until the next series of prosecutions took place.

Indeed during our trial no one seriously thought of asking for such meetings, for two factors militated against even the most elementary and obvious request of this kind being granted. These factors were the evidence of the ill-treatment and slaughter of various defenceless prisoners and the murders of the Jews; they cut the ground from under our feet.

For the Prosecution at this time it seemed sufficient that the atrocities had been committed. Who was specifically responsible for the orders or for the actual deeds either came second in their estimation or simply did not interest them. No matter how slight the con-

nection between such an occurrence and any of the prisoners the shadow of disgrace invariably fell on all twenty-one of us; and under its cover various false assertions—such as for instance that there had been a generally prevailing and virulent anti-semitism in Germany—found an all too ready acceptance. No one ventured to dispute such charges; we were too conscious of the horror of that monstrous campaign of extermination. To all outward seeming the matter was closed.

Among ourselves, however, the questions persisted: Who was involved? How was it carried out? Were such atrocious actions the outcome of strong anti-semitic feeling? What had we overlooked? Where did we arrive at wrong conclusions? What were our sins of omission? Some, for example Frick, based their defence on the plea that they knew nothing about the whole business. They were not indifferent to the immeasurable human suffering revealed at each stage of the evidence; but, first and foremost, they wanted to keep out of it—it was not their affair.

Others, like Seyss-Inquart, had more imagination and endured the ghastly statements of the witnesses with new and agonising life. They bowed their heads in shame and declared that it was useless to protest their own ignorance and innocence; that could be left to future historians. The present generation would never believe that any leader of the Third Reich could be unaware of the Birkenau gas chambers and the activities of the "special squads".

Others again persisted for a considerable time in doubting the authenticity of the evidence, even when this was no longer rationally possible. And a few, such as Dr. Frank, accused themselves of having through sheer indifference been content to know only half the truth, without attempting to draw the obvious conclusions from the information at their disposal.

Kaltenbrunner became unusually talkative at this time and assured us that he could confirm the statements about the mass murders because he himself had put a stop to them. When I asked him why, knowing these things, he had described the general accusation as absurd his answer was that the actual perpetrators were now dead. . . .

For the first time an atmosphere of profound mutual mistrust grew up among the prisoners, and though it did not have much chance to develop in the artificial little community, each of us wondered in his own mind whether, after all, his neighbour knew more than he cared to admit. Some of us, nevertheless, got together and collected every scrap of available material and then, item by item, checked the hideous account.

Five million persons were stated to have been murdered. Was such a thing technically possible? The capacity of the corpse-factories described by Hoss did not seem sufficient. Where were these five million—mostly Jews—supposed to have come from? Not from Germany, where in 1939 they numbered scarcely half a million. But when we got hold of information about the Jewish population of the occupied eastern territories, we saw that the number might tally if *none* had emigrated and *none* survived. But how had it been possible to conceal this monstrous crime from the public?

At this point every attempt at explanation failed. The majority of the twenty-one prisoners were faced with the task of explaining to the court—or rather, to the world—how it was feasible that in a modern state hundreds of thousands of people could be killed without its coming to the ears of the man in the street, or to the knowledge of all members of the government and others in high places. Those who had the best right to say that such a thing was possible, and had indeed happened, were the least able to prove it. I myself grew so tired of giving answers which always met with disbelief that had it been merely a

question of my own ignorance and not one of the innocence of many of my compatriots I should have abstained from giving evidence even in the earlier sessions. As it was I did not do so, and had some unpleasant experiences as a result. Finally confronted with this apparently insoluble problem of the responsibility for these massacres I resolved at the next examination to throw up the sponge; the truth is more easily defeated than the most far-fetched excuses by persistent incredulity.

Then, at the eleventh hour, help arrived. The hearing was drawing to a close when two witnesses appeared, who, though they did not actually solve the riddle of the secret massacres pointed the way to a possible solution. These were the two S.S. judges, Reinicke and Morgen.

Long before the end of the Third Reich, Dr. Morgen had been entrusted with the task of enquiring into irregularities in concentration camps. At one time he was working on a case of corruption at Buchenwald in which prisoners, warders, and even the Commandant were implicated. Suddenly a number of important witnesses slipped through his fingers. Morgen's suspicions were aroused and he continued ferreting about until he came on traces of capital crimes. For weeks he lived in Buchenwald, then a chain of apparent coincidences took him a step further and he discovered a number of curious notes among lists of personnel which related to the transfer of individual prisoners and consisted of false entries of arrivals and departures. In the end the prisoners concerned had disappeared; they had been murdered.

These discoveries resulted in trials as a result of which Koch, the Commandant of Buchenwald, was condemned to death by the S.S. and executed and others of the staff severely censured. Similar cases were still pending at the time of Germany's defeat.

But these particulars, which represented only the merest fraction of the individually organised atrocities, were but

the prelude to Morgen's most important statement, for he went on to reveal how he came to discover the state-sponsored massacres.

A Jewish wedding had taken place in an unnamed locality, to which twelve hundred guests, including S.S. men, had been invited and at which champagne had flowed freely. The Lublin Gestapo heard of this, suspected corruption, and sent Morgen to investigate.

Amid breathless silence the witness described how he had followed up the clues which had come into his possession. They led him to one camp—a comparatively small institution—where murders had been committed, not singly and according to carefully falsified lists, but systematically and at regular intervals; and where, under the guise of euthanasia, methods of mass killings had been perfected.

But Morgen's discoveries did not end here; his investigations took him to another, much larger camp. Here there were certain peculiarities in the railway station records, for though many arrived, none left. The name of the camp was Birkenau, near Auschwitz. *

Every train that stopped there carried thousands of Jews. After a cursory examination designed to separate the able-bodied from the unfit, the latter were handed over to guards in S.S. uniform who—with surprising civility—conducted them to the camp where their co-religionists welcomed and looked after them. So far as the newcomers could gather from conversation amid the hustle and bustle of arrival everything seemed all right though they were kindly and tactfully informed that before they went into the living-rooms, it would be necessary for them to take a good bath and have their belongings thoroughly disinfected.

All unsuspectingly, therefore, they undressed, hung up their clothes tidily in the wardrobes and then in groups of hundreds, even thousands, entered an enormous room

fitted up with the most modern and hygienic shower-bath appliances. But instead of receiving a warm shower they were overpowered by deadly gas.

The strange wedding which was the original reason for Morgen's investigation had been celebrated by Jews employed in this horrible place, who first welcomed their co-religionists then stopped their cars that they might not hear the screams of the victims and then finally, when all was quiet, transferred the bodies to the crematoria and prepared the "shower-room" for the next influx of victims. At the time of the wedding feast, those taking part in it were still in favour with their keepers who were there as their guests and ate and drank with the rest. Later, it is true, these minions of death fell victims to the machine which they had previously served—under promise of Heaven alone knows what rewards or punishments!

Finally there remained a mere handful of Germans, whose own lives hung by the merest thread. Woe indeed to any who lost his nerve, or was suspected of being "unreliable"!

Thus for the first time we saw the road leading from the Germany that we knew to the Germany which had been hidden from many of us. It came as a surprise to us to learn that Morgen had already given the Allies information of these crimes in February, 1945; so that the Prosecution must have known of it but kept the knowledge to itself. Had it not been for the efforts of a clever lawyer who discovered the whereabouts of this important witness and secured his presence at Nuremberg we might never have become possessed of this evidence.

The Prosecution seemed to regard it in a different light. They maintained simply that if millions of people had disappeared many others must have been aware of it and that at any rate leading officials could not plead ignorance.

It is open to doubt whether the Prosecution took much

account of Morgen's statements; but for most of us they were conclusive. It was only after he appeared on the scene that I personally felt that in protesting my ignorance of these massacres, I was not offending against all the laws of human reason. Yet, for one prisoner at least, the effect was very different. The former S.S. Judge went on to tell of the action he took following his discoveries. First of all he reported to his superior officer, Reinicke, and then the two of them went to see Muller, the head of the Gestapo. Finally, all three presented themselves before the Chief of the Ministry of National Security, Kaltenbrunner, who—according to the witness—listened to their report without interrupting them by so much as a word. Nor did he reply to Reinicke's enquiry as to whether this massacre was the work of individuals or had been carried out by order of higher authority, he had just quietly evaded any discussion on the subject. Shortly afterwards Morgen had been demoted and sent to the front. The massacres had continued.

Things looked black indeed for Kaltenbrunner. Later on, when his case came up he declared that it was he who had sent Morgen to investigate and that it was Morgen's report that had prompted his endeavours to put a stop to the murder-campaign. It was certainly proved beyond dispute that the butchery came to an end in the autumn of 1944 and that—however unlikely it may appear—the Jews were from that moment under the special protection of the Chancellor's S.S.; but that was the period during which Himmler looked upon them as hostages. Later in the course of the trial we learnt that Himmler had offered to barter his reprieved victims in exchange for war material; had then attempted to sell them for cash; and had finally used them as a means of bringing pressure to bear against the Allied demand for unconditional surrender.

The debates covering these matters degenerated into

mutual recriminations between Kaltenbrunner and some of those who testified against him. All in all it made little difference who was responsible for the greater or lesser share in the ghastly business; more important than any of these details was the fact that this gigantic campaign of mass murder was carried out by order of the Head of the German State, a fact which the evidence of Ohlendorf, Hoss, Morgen and Reinicke established beyond all possible doubt.

From the moment we understood this our discussions in the dock, hitherto centred around the Jewish murders, switched over to Hitler. I reminded Goering of what had been publicly proved concerning this cardinal point of the indictment, and put it to him that in giving the order for those massacres the Leader had unquestionably abused the power bestowed upon him by the German people. And I appealed to him as the man who had been the second most important figure in Hitler's Reich, to let us know where he stood in regard to these dreadful activities.

I was well aware of Goering's feeling about Hitler at the time and respected it as manly and honest. A few days before Germany's final collapse the Field-Marshal had been arrested and relieved of his post; his guards—probably instructed by Bormann—had had orders to shoot him, and in Hitler's will he had been branded as a traitor and expelled from the Party. Goering had only one remark to make about this disastrous ending to a ten-year-old friendship: he said simply that he regretted that Hitler should, towards the end of his life, have been so misinformed about him; but that this could not affect his own feeling towards a man to whom he still remained indebted and attached.

Now he listened unruffled to my questions, which were directed not only against Hitler but against himself. We were standing in the gangway between the seats in the dock, and when I said it was unthinkable that he should

have remained in complete ignorance of the secret murder campaign he drew himself up in the narrow space and asked if I knew for certain that these murders had actually taken place. His position was quite simple; he refused to take into account any statements made about Hitler after the latter's death since, as a prisoner, he had himself no opportunity of instituting independent enquiries. And he declined to believe stories put forward by an enemy, no matter how convincing. However he did go so far as to solemnly declare that he had not known what lay behind the slogan "Solution of the Jewish Problem".

Never had I deplored the silence rule so much as now, when every second of conversation had to be snatched with the utmost difficulty. In a few hurried words I pressed my questions and repeated the main points in the evidence of Höss and Ohlendorf. With icy composure Goering cast doubts upon all the documents and all the testimony connected with the subject. He would not venture, he said, to describe them as wholly false, but he did take into account the possibility that they might well be inconclusive or incomplete; in any case they were far too much at variance with everything he knew to be accepted. And even if the events described by the Prosecution had taken place, he did not believe Hitler had given the order; it was more likely to have been Himmler.

There was much to be said against this; first and foremost Himmler's own repeated affirmation that he had never, in a single instance, determined the life or death of human beings save by Hitler's order. But our brief respite was over and we were marched off to dinner in silence.

Subsequently I often returned to the subject, on one occasion representing to Goering that this particular crime must have plunged the great mass of our people into the depths of bewilderment. For untold years ahead the Jewish murders would constitute the greatest obstacle to any attempt at national reconstruction by the German

people, and to any endeavour to break new political ground; and for this very reason I felt it an imperative duty for all the principal prisoners to take a definite stand on the subject. In his, Goering's, case because of his past position this duty was doubly important. No matter how one felt about the Jews, whether one had held anti-semitic views or not, there could be no gainsaying that the physical extermination of literally millions of men, women and children was a monstrous crime which must set the entire world against us.

Goering did not demur; on the contrary he insisted that it was my right, even my duty, to make my position clear. But it was, he said, altogether different for those who had formerly been closely associated with Hitler and remained personally loyal to him.

On another occasion I tried to make the Field-Marshal see how vital it was that all the proceedings connected with the Jewish massacres should be clarified, from the evacuation under false pretences to the details of the slaughter, and including all the circumstances in which the crime was determined and the orders for it promulgated. Goering replied that it was in just these matters that the Prosecution displayed no interest whatever; and I could not contradict him, for indeed they did not appear to exert themselves over-much in that direction and the inconceivable horror was never thoroughly investigated.

When did Hitler arrive at his fateful decision? What was he thinking or planning? Was the evacuation of the Jews, in the beginning, something similar to the Russian practice of deporting people to Siberia or was it from the first a deliberate prelude to butchery?

No one can, or dare, deny that this mass-extermination was a crime. The history of the millennia already known to us, and the policy of the so-called highly civilised peoples in the more recent past, may have contained even more cruelties than we know of: if such is the case then

there is all the more reason why we Germans should not shrink from admitting the truth about what happened in our own country. Our people have neither the resilience nor the facile self-confidence which enables other nations to come to terms with the homicides for which their statesmen are responsible. With us such a crime is a cancer, which must be rooted out if our people are not to perish physically and morally.

What constitutes the dividing line between politics and crime? One thing is certain—Birkenau lies on the further side of that line. But dare anyone deny that it is also a crime to drive human beings from their homes and thereby condemn millions to death from starvation and cold? Yet did not some foreign politicians pride themselves on these same measures? Hitler, on the other hand, carefully concealed his actions. Did he realise, in contrast to those other guilty statesmen, that to publish his infamous activities would cost him the allegiance of his adherents? Hitler intended that the responsibility should be his alone; but it is not given to anyone to carry such responsibility alone with him to the grave, and for that reason many of us asked ourselves whether our Leader ought not, in the circumstances, to have surrendered himself alive to the enemy.

As an instance of the kind of problem which confronted individual prisoners on this issue I cannot do better than cite Rosenberg. If the question of the Jewish massacres came up he would immediately break off the conversation, and once when I returned to the dock after having given evidence in my own defence in which I had made it clear where I stood in regard to the mass murders, this usually dignified and reserved man buttonholed me in a state of genuine agitation. "I can understand your denunciation of Hitler for having given that order," he said; "because it's easy enough for you—you hardly knew him. But no matter how often I go over everything in my mind I still

cannot believe that there was a single flaw in that man's character."

In the face of such an admission I was helpless, the more so because at that time Rosenberg had already told everything he knew concerning the real nature of the Jewish massacres.

As the trial progressed, differences of opinion regarding our dead Leader caused ever-widening rifts among the prisoners and led to acrimonious recriminations. Goering and Speer no longer spoke to one another even to pass the time of day, though on the other hand the Field-Marshal remained on perfectly friendly terms with Schirach, even when the latter gave vent to a particularly sharp criticism of Hitler.

These developments could not escape the keen eyes of the American observers who visited us in our cells. I have the feeling that our growing mistrust of each other struck them as an advantageous state of affairs which they were disposed to encourage. Moreover, the authorities appeared determined to prevent Goering from becoming the leader of the prisoners or forming a little cult of devotees around his person. As a matter of fact at no time during the trial did the Field-Marshal express opinions which commanded our universal assent, though he undoubtedly proved himself the strongest personality among us, and the American observers were entirely mistaken when they averred later that I was the centre of the group which freed itself from Goering's influence. It is true that I criticised him relentlessly for his stubborn refusal to recognise even the most conclusive evidence (not that he raised actual objections to it, he just refused to explain his position in regard to the Jewish massacres); but in spite of this our personal contact, which had begun there in Nuremberg gaol, remained unbroken till the end.

CHAPTER EIGHTEEN

Accused Number One Addresses The Court

TOWARDS THE end of March the Prosecution's opening depositions drew to a close. The accused and their counsel were nervous, for there was no telling how matters would develop as soon as this stage of the trial was over. The Defence, who wanted a chance to examine the ever-increasing pile of documentary material, made an abortive attempt to press for a break in the proceedings, but the court ruled that this would be an unjustified waste of time and proposed to hear the first counsel for the Defence as soon as the last prosecutor had finished. No one was very clear as to the *modus procedendi*, and a number of orders were issued which only made confusion worse confounded.

The Defence was instructed to produce the documents they wished to submit in evidence as soon as possible so that these could be translated and cyclostyled before the court decided which of them were to be accepted and which rejected. When one of our lawyers complied with this instruction it transpired that the papers were to be delivered—to the Prosecution! No one else had the necessary technical equipment to prepare them for submission to the court.

The German lawyers protested that this would mean that their opponents would become acquainted with all the extenuating documentary evidence, thus depriving the Defence of the weapon of surprise which the Prosecution had used to such advantage. In the course of heated discussion it was pointed out that there could be no question of the Prosecution obtaining incidental or illicit information. Prosecuting and defending counsel

were both equally entitled to inspect and object to any documents presented by their opponents, after which the Bench would uphold or overrule the objections. In the face of this explanation there could be no point in loading translators, clerks, and printers with work which might not be needed, and for this reason the President suggested that, in contrast to the practice adopted up till then by the Prosecution, the opposing parties should now endeavour to reach prior agreement on which documents were to be fully prepared for production in court. Where no such agreement was possible the court itself would give a ruling, though this would in no way prejudice the Bench's final right to accept or reject any evidence when it was brought forward in the course of the trial.

We had to admit that in face of the ever-rising flood of paper assembled by more than a score of conscientious defence lawyers a line had to be drawn somewhere. We felt, however, that this latest regulation placed us at a disadvantage, for during the past four months our counsel had objected to the Prosecution's documentary evidence barely a dozen times, whereas the latter now raised hundreds, even thousands, of objections to ours.

In addition we became firmly imbued with the idea that it would no longer be possible to make use of documents for purposes of surprise, and it took weeks of protracted and stormy debate before this matter was finally elucidated. Only those documents which had been submitted to the court could be used as evidence in the first instance, and these were subjected to the roundabout process already referred to; but on the other hand counsel could confront a witness with a document which was in contradiction to his stated evidence without preliminary notification.

These discussions and skirmishes about documentary evidence gave rise to tremendous tension in the dock, but caused a falling away of interest in the rest of the hall

where we became accustomed to the presence of none but the most indispensable members of the court—a few prosecutors and defence lawyers, half a dozen press representatives, the eight judges (who were always there in full strength), and perhaps one or two stray visitors. It was seldom that even the name of an important witness such as, for instance, Paulus, would attract many curious strangers. Then at the beginning of March the number of visitors increased; they would look in every morning, and then if there was nothing particular on hand leave at the first opportunity.

On the afternoon of the 13th March for the first time in many weeks every seat in the hall was filled. All the signs of a big day were in evidence: there were a crowd of press, newsreel, and radio reporters, numbers of prominent visitors, and fresh coats of paint on the badly scratched truncheons of the guards. It was the turn of the Defence to take the stage for the second act of the trial and Hermann Goering, the first of the accused, was to be called.

Two soldiers took up positions on either side of the Field-Marshal and conducted him the short distance from the dock to the witness-stand near the front of the hall. Still standing, he took the oath to speak the whole truth and was then allowed to sit down.

I had an almost physical impression that the short, powerful body of this man was bowed under the weight of the accusation which the Prosecution had been piling on him all through the winter. Certainly there cannot have been a soul in court who did not at that moment consider him as good as dead. It is true that there were three witnesses to be called for his defence, but they could make no difference to the picture of guilt painted by the Prosecution. The atmosphere was filled with the tension which our accusers knew so well how to create, and all that remained in question was the form which the

lightning-stroke would take when it descended on to the head of the man who now faced the Tribunal in his Leader's stead.

Thus Goering's evidence opened in an atmosphere of ill-omened excitement; he himself seemed to sense this and trod warily.

Dr. Stahmer, who conducted the examination, had agreed with his client to follow the usual procedure of question and answer. Goering was anxious not to commit himself, and chose his words carefully. In a low, toneless voice he described his boyhood and early youth: his father, a Governor of German South-West Africa, had had him educated in Germany and had early decided that the boy should become a soldier. As a fighter-pilot in the first World War he had risen to fame, but he barely touched on this in his statement.

After his first three or four sentences I noticed that Goering began to speak more easily; his voice gained strength and his descriptions became more vivid. It was as if he was emerging from the silence of his cell and growing once again accustomed to the use of words and gestures.

The Tribunal offered him a special chance; as the first of the accused to be called they allowed him to state his views on every question as fully as he pleased. As a matter of fact, not one of us could speak for so long with such coherence as Goering and he made good use of this concession though he displayed neither self-pity nor cynicism, neither cowardice nor insolence. He stuck to the point he wished to make, thereby giving that impression of manliness his rank called for, yet at the same time he was tactful and never overstepped the invisible bounds imposed by his present position.

From the description of his life there emerged imperceptibly a picture of recent German history. Where the Prosecution had seen only evil and crime, there now

appeared the tribulations of the German people after Versailles, the world's lack of understanding for the problems confronting the Reich, and her final effort to help herself with its catastrophic result. Hermann Goering depicted these things as German eyes had seen them in past years though he was well aware that, since Germany's defeat, his descriptions would find little response among his countrymen.

I marvelled at the uncanny instinct with which he contrived to conjure up for our conquerors the great and vital possibilities of those times; for I could not help recalling the weariness with which we used to listen to his speeches in the past, when one often experienced considerable difficulty in picking out three minutes of worthwhile matter from an hour's broadcast. Now sentence after sentence came pat, clear, and often so well constructed that it could have been printed without alteration. During the first months of captivity he had been rather addicted to drugs; now he displayed an intellectual discipline which had been lacking even in his best days.

The Prosecution had portrayed him as the second-in-command of a band of gangsters, but there emerged from his words the portrait of a vigorous and energetic man who was both a decent soldier and a responsible statesman. Not was this all. For days the discussion centred round Goering's efforts in August 1939 to avert war with the western powers and his statements were confirmed, word for word, by the Swedish witness Dahlerus, who at the time had played the dangerous role of go-between; but unfortunately the value of Dahlerus' evidence was destroyed when he added that he had later understood that Goering's aims were not to preserve peace but to avoid war on two fronts simultaneously.

At first there was not a soul in the hall prepared to believe a single word uttered by the former Field-Marshal. He was aware of this, and by way of counter-stroke,

proceeded to demolish certain statements made by his opponents, such as the accusation levelled against the former German Government that they had intended to murder their Minister in Prague so as to bring about an "incident" which could be used to provoke war. This was supposed to have been incorporated in a document but it was not difficult for Goering to refute the charge, since he was able to show that the idea of a possible murder had simply been one of many alternative examples given in an analysis of the contemporary international situation.

Again, on the night that German troops marched into Austria the former Field-Marshal was supposed to have given false information on his word of honour to the Czechoslovak Minister Mastny. This question was cleared up by a concise statement about events in Berlin at the time. The Czech Minister, in a state of great anxiety, had enquired two or three times about the objective of the German forces then moving towards the frontier. In the end Goering, as Hitler's representative, had assured him on his honour that these troops were intended for Austria, not Czechoslovakia. It was manifestly unfair simply because of subsequent events to use this message, perfectly correct at the time, as evidence against the defendant.

These and several other corrections of previous evidence served as sort of basis for Goering's good faith, a foundation which he consolidated by showing at the right moment a certain bluff frankness. For instance he was accused of having given money to Quisling which he affirmed to be quite untrue. Had he done so, however, he said he would have given more than the niggardly Foreign Ministry; he was every bit as generous as the British and Americans!

The well-timed production of a few irrefutable documents also proved useful. The Prosecution attempted to show that Goering was personally responsible for attacks by the Luftwaffe on civilian targets in Poland. In reply

he produced a report which had been despatched to Paris by a former French Military Attache and had fallen into German hands when we occupied France; in it the Frenchman stated that the attacks of the Luftwaffe in Poland were directed exclusively against military targets.

Such little counter-attacks threw additional light on Goering's career, his relationship with Hitler, and his political activities throughout the whole period covered by the indictment. Only on one occasion was I conscious of any noticeable uncertainty on his part and afterwards, during a break in the proceedings, he spoke of it to me himself. "You know," he said, "the one dark spot in my career which I have to admit is my mania for collecting things. It's quite true that I covet everything beautiful, but not as my own private property—though the vulgar herd will never understand that. However, later on perhaps, people will realise that all the great art collections in the world originated in the same way."

When in the course of examination the subject of the theft of art treasures came up, he emphasised that he had long planned to hand over his collection to the state and had actually made preparations to do so. This contention, which would merely have raised an incredulous smile at the beginning of the session, now appeared to be regarded as a serious argument.

But it was Goering's attitude to his fellow-prisoners which most influenced feeling in his favour. For he took upon himself the onus for the actions of others, even when they had not formerly served under him; though it must be admitted he was sharp enough to qualify any general statement of responsibility.

By the time counsel for the Defence had finished his examination the atmosphere in court had perceptibly changed. Only a few days previously the man in the witness-stand had seemed a fiend in human shape; now he stood revealed as a man of courageous purpose and great

ability whose downfall, in the pursuance of a mighty project, was not altogether his own fault.

But now this self-portrait had to be preserved against the attacks delivered in cross-examination.

Mr. Jackson led for the Prosecution and his opening questions were delivered almost in a spirit of *bonhomie*. Was this, we wondered a danger signal? or simply the result of the lawyer's misunderstanding of the change brought about by the Defence? The general view was that such benevolent politeness implied that the prosecutor was sure of his prey.

The first rounds undoubtedly went to the American; but they were indecisive and so far as their propaganda value went served to emphasise nothing except the more humane quality of Allied justice when contrasted with certain legal practices in the Third Reich. But even in these preliminary skirmishes the American insisted that the witness' answers should conform as closely as possible to the actual bearing of his questions, questions which pressed only on the weakest points in the Defence. Apparently minor issues were cunningly, though by no means always aptly, torn from contexts in which they might have been given a very different interpretation. The individual prosecutors proved themselves past masters in the art of putting questions in a way which by-passed the heart of the Defence's contention by a hair's-breadth, but to which they wanted a plain yes or no for an answer. In their opinion only concise replies were permissible in cross-examination; further explanations belonged to the re-examination by the accused's own counsel.

Goering, of course, knew that it was far better to devote time to rectifying false impressions than to spend days quibbling over answers, but he still tried to avoid barr agreements and denials (which were often impossible), and find openings for comprehensive explanations.

Finally, the President of the court took a hand and

addressed himself to both parties. Goering was admonished and told that he should reply at once with the "Yes" or "No" demanded; Jackson was requested not to interrupt the witness if he wished to add any comments to that basic reply.

One illustration may suffice; the prosecutor tried by a series of cleverly put questions to establish a connection between the Reichstag fire in 1933 and the arrest of the Communist officials which followed it. His aim was to get the accused to condemn himself out of his own mouth by admitting that the fire had helped further his political plans. In this way, even if he did not specifically confess to the deed, some sort of probability as to the authorship of the fire would be established.

To a disinterested spectator it seemed as if someone were trying, by means of words cut from a newspaper, to construct a text which had never in fact been printed. But Goering kept twisting and turning until he succeeded in escaping from his opponents' clutches and was able to state frankly: "Had there been no Reichstag fire, I should still have had the Communists arrested in February 1933, simply because had the position been reversed they would have dealt far more drastically with their National Socialist opponents."

The Prosecution brought up heavy artillery and Goering had a hard fight for it, but in our view was not mortally hit. One or two carefully prepared climaxes in the cross-examination resulted in decided victories for the accused. One miscarried because documents dealing with a conference which had taken place on the 18th November, 1938, under Goering's chairmanship had been wrongly filed in the Prosecution's records under the title "Council for National Defence", (*Reichsverteidigungsrat*) a body which, according to the evidence, had never met at all.

Another document calculated to cause a sensation also turned out to be something of a damp squib. In it the

technical expression "Freeing the Rhine" (which refers to transport and concerns the suspension of river traffic in the event of mobilisation), was clumsily mistranslated as "Freeing the Rhineland". This produced such a painful impression that the Prosecution withdrew the exhibit altogether.

In consequence of the success of his defensive tactics, Goering felt strong enough to abandon his discreet attitude of reserve. Jackson averred that Germany's preparations for mobilisation had in any case been of such a kind that they had had to be kept secret. Goering replied: "I don't recall having ever read of the U.S. Government publishing their preparations for mobilisation."

We felt that counsel had chosen the wrong moment to attack Goering's eel-like adroitness. Officially, perhaps, the latter's sarcastic retort was a breach of the rules; but there could be no doubt that he had scored a bull's-eye.

The President gently suggested that the Prosecution would do better simply to ignore "unseemly remarks"; then he glanced at the clock, made some polite observation, and declared the session adjourned.

But the American must have been too badly hit to avail himself of the chance that had been offered him, for the following morning he gave vent to his indignation in a lengthy harangue. He submitted that the witness was attempting to revive the Nazi spirit; his speeches were pure propaganda. Lord Lawrence endeavoured to reassure Jackson, but failing, spoke his mind frankly. The American replied tartly: "Naturally, I yield to the wishes of the court."

The court then repeated its order that a witness must first and foremost answer every question. Nevertheless Goering was not debarred from adding comments, although he was told that they must be brief.

We experienced great satisfaction at the impartial

attitude of the court, though we attached no great importance to the affair.

Sir David Maxwell-Fyfe, who followed Jackson in the cross-examination, approached his task in different manner. He had made a thorough study of all the documents concerned and with an amazing grasp of detail endeavoured to prove the responsibility of the accused for the shooting of British R.A.F. officers during their escape from Sagan. The witness declared that he had had no information about this until it was too late to prevent it and, despite some difference of opinion, later statements by witnesses confirmed this statement. We in the dock took the view that Goering had had no share in the murder, but there remained another debatable point: when told of the outrageous order he had contented himself with making a feeble protest of disgust and resigning control of the P.O.W. Camp, which up till then had been a Luftwaffe responsibility. Why, in such a situation, had a man in Goering's position not simply declared: "The captured airmen are under my supervision and protection; any attempt to remove them from it will be over my dead body?"

In regard to the Jewish question, too, the British lawyer for all his perspicacity failed to get to the heart of the matter. We were convinced that Goering was not the driving force behind the anti-Jewish measures; but we would have preferred the whole question of connivance in the liquidation of the Jews to be more thoroughly probed. In our opinion a closer enquiry into how much the second most important man in the Reich knew of these proceedings would have been in the German interest.

Goering was easily able to counter the questions put to him by the Russian Prosecutor, Rudenk. while the French, with a rather pointed remark, waived their right to cross-examine.

When he returned to the dock, the principal defendant

seemed almost happy. His public examination which had lasted more than ten days had given him a feeling of relief; for it had allowed him to give expression to much that had been seething inside him during the Prosecution's long deposition. A few of us thought that Goering hoped, for a short while, that he had escaped with his life; however, when we spoke to him about it he emphasised that new charges would be levelled against him. He was right.

Yet it must be conceded that when, subsequently, we heard the Bench announce in their summing up their reasons for reaching their verdict, not a single one of these later charges was included. The verdict against Goering was based solely on the vast and varied responsibilities which he himself had assumed, and which may be enumerated as follows:

First, his participation in all the main decisions of the German Government from the Austrian *Anschluss* to the war against America. Second, his part in the forcible seizure of foreign workers and the introduction of civilian forced labour as well as prisoners of war into the German industrial system. Third, his economic measures in occupied territories. And fourth, the decrees issued against the Jews. According to the verdict the question of Goering's responsibility for the actual Jewish killings remained open.

After a time our natural elation at the success of our comrade's efforts subsided, and gave place to the humdrum of normal routine. Once again the Field-Marshal was to be found in his corner of the dock, facing the main entrance to the great hall, his arms on the edge of the surround and his chin lying on clasped hands. Sometimes he would remain motionless in this not very respectful position for an hour at a time.

It is not surprising that the mere sight of his immovable figure was sufficient to send the blood rushing to the faces of some of the members of the Prosecution. This happened with Rudenko whose seat, for a few months, was only a

couple of yards away from the prisoner; and it is possible that this situation gave rise to the assertion, current among the German public, that Rudenko had once attempted to shoot Goering—a statement entirely without foundation.

To Hermann Goering's opponents his attitude conveyed nothing but self-possession, arrogance, and effrontery. But we, his comrades, had a different notion of what lay behind that stony front. The Field-Marshal knew, as he had known from the first, that his fate was sealed.

CHAPTER NINETEEN

A Duel With Handicap

IT WAS only when a prisoner was in the witness-box that he began to understand one of the strangest features of the trial—the evidence given on oath by the accused in his own defence. The Tribunal had borrowed this curious practice from Anglo-Saxon Law.

Each of us was at liberty, if he so desired, to leave the fight for his life entirely in his counsel's hands. He could then remain in the dock and was safe, for the duration of the session, from all direct personal attack, no matter what was said about him. Only the verdict would uproot him from this refuge; nobody could compel him to enter the arena in person.

If, however, he elected to give evidence on his own behalf, his "going forth", as we called it, presented both an opportunity and a danger. On the one hand he could avail himself of a procedure unknown in Continental Law—uninterrupted examination by his own defending counsel, on the other he exposed himself to cross-examination by the Prosecution.

In Germany it is customary for the Judge to examine the accused, who is not admitted on oath and to whom the law imputes the right to, so to speak, lie in his own defence. Thus the accused is not bound to speak the truth save by the dictates of his conscience and the fear of appearing untrustworthy to the court. So far as the questioning of the prisoner is concerned German advocates and public prosecutors can do no more than supplement the Judge's personal examination. At the Tribunal, the first examination of a man giving evidence in his own case was in the hands of the Defence; and a sharp-witted

prisoner had therefore the opportunity to depict himself in the most favourable colours.

After Goering's evidence the court showed itself less inclined to leniency with witnesses, and anyone who mentioned Versailles and Germany's hardships before 1933 was ruthlessly cut short. Nevertheless it would not be fair to discount the opportunities given us by this procedure even when such subjects were banned.

Of particular importance was the right to corroborate our own statements on oath which went far to meet the wishes and needs of most of us, and gave us confidence in the witness stand.

Against all this must, however, be set the no less real dangers of the cross-examination which was sometimes so keen and so trenchant as to make even the spectators sweat.

Some questions put to us seemed to be clear¹, unreasonable, while others gave the impression of being brilliant demonstrations of sleight of hand. Sometimes the examination could only be likened to the closing jaws of a vice; then one was tempted to conceal one's knowledge to avoid the trap and even the most forthcoming witness would shut up like a clam. Many truths came to light in the course of the trial not because of the efforts of the Prosecution, but in spite of them.

With some of the prisoners their own defence was but a secondary consideration and, when the time came for them to give evidence, they tried first and foremost to contribute something to the clarification of the immediate past. But such a purpose was not easy to realise when one was up against bias, ill will and deliberate misunderstanding. Sometimes it took a lot of self-control to give a pertinent answer to an impertinent question.

Some of us tried to grasp the system of cross-examination by means of various illustrations and comparisons. The most apt simile seemed to me that of a duel between two

unequally matched opponents; one of whom—the accused—has both his feet and one of his arms shackled while the other—the prosecutor—is free and unfettered and can make full use of his weapons. It was only by degrees that we realised that the very purpose of the English and American system of cross-examination is not to establish a fact objectively, but to destroy confidence in the witness and his evidence—the means employed to this end being of no great consequence. The rules are extraordinarily elastic for it is also permissible, on the flimsiest pretext, to drag in some remote subject which has no connection whatever with the charge before the court.

Added to this, we were compelled to answer every question allowed by the court, even in instances where German law grants the right to refuse evidence. This obligation to answer meant that misleading questions could give rise to misleading impressions entirely against the witness's will, for he was not always clever enough to round off the sharp corners of the fragments of knowledge which his opponent prised out of him.

It was still possible to rectify such errors in the re-examination which followed the Prosecution's questioning. This was conducted by counsel for the Defence who had the right to offer his client the chance of retrieving previously missed opportunities: but in this re-examination he was obliged to confine himself to points which had arisen during the cross-examination.

In this method of enquiry the British and Americans proved themselves in every respect superior to the French and Russians—let alone the Germans. We had no experience whatever of such contests and, furthermore, were handicapped by nervousness, which is the last attribute useful in this type of procedure. Our German lawyers, too, were often under the impression that an attack on a prosecutor implied an attack on the Bench; they failed to realise that such an attack was considered perfectly

legitimate, since it was aimed not at the court as a whole but only at their opponent in this species of legal duel. A few made up for their lack of experience by hard work and eventually became good seconds to their clients.

On the other side, cross-examining counsel were by no means exempt from all restraint. They were limited to the substance of the reply given under oath, and it was only when a prosecutor had succeeded in clearly disproving such evidence that he was free to draw whatever conclusions he pleased.

During the spring and summer of 1946 I listened to the public examination of eighteen of my fellow-prisoners, in the course of which it seemed to me that many facts were obscured rather than cleared up. Prisoners who only a few seconds before had had ready a regular stack of arguments, were completely dumb when they went on to the witness-stand, they just could not think of anything to say. We saw the most disastrous instances of complete mental inadequacy to deal with a situation of this kind, and had to watch men deliberately shirk the attempt to defend themselves. Though there were, on the other hand, prisoners who refused to own themselves beaten even when they had been driven into the furthest corner of so logical blind alley.

But no matter how inadequate the results of these examinations and cross-examinations may have been from an objective standpoint, they undoubtedly showed up a prisoner's character in the most uncanny fashion. Isolated issues might be distorted during this play and counterplay of question and answer, the individuality of the man behind stood out crystal clear. Not that this applied unconditionally—it was only those who listened to the battle of words with the desire to form an unbiased opinion who saw what was to be seen, otherwise it was easy to be misled by the way whole sentences could be wrenched from their context so that they seemed to

contradict flatly the general sense of the enquiry. Some prosecutors were masters at this game, picking out just what suited them from some former deposition and ignoring everything else.

These distortions, however, are an unavoidable part of the struggle and make no difference to the significance, in principle, of the amazing psychological results produced by this method of examination. To us, in the dock, it never ceased to be a matter for astonishment. To a judge, standing impartially above the two contesting parties, this system must give a kind of X-ray picture of the character of the accused.

Most of us decided to face this acid test and went on to the witness-stand; only Hess, Hitler's former deputy, and Frick, late Minister of the Interior and last Protector of Bohemia and Moravia, remained in the dock all through the trial. Dr. Seidl, who was defending Hess, did not call his client, and we felt that he had acted wisely; daily contact with the man had shown that his place was not in the dock but in hospital. Since his return from imprisonment in England his mind had been so confused and his speech so incoherent that he was hardly able to make a sensible contribution to the questions under discussion.

But we were sorry when Dr. Frick refused to give evidence. The prison officials made various guesses as to the reason and I learnt that one of the American psychologists was of the opinion that Frick was scared of possible enquiries into a secret bank account; but this assumption was ill-founded, for the Prosecution undoubtedly possessed means to bring this matter to light had there been anything in it. Dr. Kempner for instance, who was especially interested in Frick's case, could easily have done so. Frick himself said that any effort to exculpate himself would be useless.

CHAPTER TWENTY

Ribbentrop Is Easily Managed

WHENEVER ONE of us took the witness-stand those who remained behind in the dock became a prey to mixed feelings. Our sympathy went out to a fellow-countryman facing an enemy court-martial; but at the same time we ourselves would often have dearly liked to have been able to put questions to men who had occupied such responsible posts in the critical years now the subject of investigation. For this reason we made no bargains to do one another reciprocal good turns on the stand, and our counsel made no effort to gloss over the failings of the other accused parties. Nevertheless, in spite of a good deal of mutual criticism, we were always ready to support a prisoner who was obviously in for a gruelling examination.

Such mixed feelings were particularly apparent during the hearing of von Ribbentrop, the former Foreign Minister.

We pitied this man who found imprisonment particularly hard to bear, and, as far as our limited resources permitted, helped him; we felt humiliated at the sight of a German Minister in the dock. But we were sufficiently hard-boiled not to forget certain questions which we considered he ought to have the answer to.

We wanted to know if Ribbentrop had not contributed—perhaps unintentionally—to the way in which Hitler, originally anglophil, had brought upon himself a declaration of war by Great Britain. Had this been due to a faulty analysis of the international situation by the Foreign Minister? Or to resentment dating back to the days when he had been something of a failure as Ambassador

in London? We hoped for a certain amount of enlightenment on these points, for a good deal of hard, clear-sighted work had been done in the preparation of Ribbentrop's case. After a period of fruitless scribbling by the accused, his new defending counsel, Dr. Horn, had taken the reins firmly into his own hands and with considerable difficulty managed to collect more than three hundred documents, mostly government memoranda, volumes of dissertations, speeches, depositions and notes. Horn wanted to expatiate personally on this material himself, intending that his client should confine his answers to brief comments. The reason given the court for this plan of campaign was the poor state of Ribbentrop's health; but unfortunately it failed. Mr. Dodd, the American prosecutor, torpedoed it by producing a doctor's opinion that Ribbentrop, while undoubtedly anxious and nervous, was not ill and could perfectly well furnish the necessary explanations himself. When in spite of this, Dr. Horn opened the proceedings with a number of pertinent representations interspersed with occasional questions to his client, the prosecutor protested with increasing vehemence. He accused counsel of instigating a "one-man filibuster", that is to say of trying to obstruct the normal procedure of the court by non-stop oratory. The Tribunal sustained this objection and declared Dr. Horn's speech nothing but a camouflaged summary of documentary evidence; eventually all the lawyer could do was to hand over his papers in bundles to the Bench.

But even that did not content the Prosecution for they went on to protest against the admissibility of these documents as evidence at all. Their objections to them were of the utmost significance to our own preparations for defence.

To help explain the nationality problem in Czechoslovakia which had led to the 1938 crisis, Dr. Horn had

drawn attention to a book by Lord Rothermere and been informed by the President that, while the book professed to report facts, it did not prove them; the views expressed therein were only those of a private individual.

Dr. Horn then produced reports from the German Embassy in London, and now the British objected because—so they said—such papers would undoubtedly present the situation from the point of view of German interests: documents of this kind could only be considered valid if submitted as evidence against those concerned with their original preparation. But Article 21 of the Statutes of the Tribunal made every official record of an Allied Power a legitimate source of evidence for submission to the court; as was every scrap of German official paper—*provided it bore a written guarantee that it had been acquired as war booty.*

We were appalled by the logical conclusion of this argument. Were only documents from enemy sources to be accepted? Were we to be deprived of all means of submitting such evidence?

The court hit on a compromise. It laid down that the admissibility of any document was to be subject to free discussion and the decision of the Bench even when it belonged to a category stated to be admissible under the Statutes.

This however was followed by an objection to certain documents about the ill-treatment of Germans in Poland which when it was sustained had a crushing effect upon us. Mr. Dodd's actual words were: "We cannot allow that the prisoners should seek to defend themselves against the present charges by asserting that the inhabitants of another state—even though they may have been of German or other origin—have been subjected to ill-treatment within that state." The Prosecution thereby disputed our right to any official interest in the fate of German minorities in other countries—a right expressly acknowledged by

the Treaty of Versailles and the Statutes of the League of Nations.

Of Ribbentrop's three witnesses actually present in court, two contributed no extenuating evidence while the third, Dr. Paul Schmidt, an interpreter, actually helped the Prosecution. Dr. Schmidt had attended a discussion at which Hitler and his Foreign Minister had demanded of the Hungarian Regent, Horthy, that he should hand over all Jews living in Hungary. In the course of this discussion there had occurred the ominous words "put to death". In the face of this admission could it be considered credible, the Prosecution asked, that Ribbentrop knew nothing of the real purpose underlying the request?

Counsel for the Defence lost every preliminary encounter; and the prisoner was left to speak for himself.

Dr. Horn began his examination (as opposed to his attempts to speak instead of his client) with some clever questions in which he brought to light much hitherto unknown to us, for instance the fact that Ribbentrop had quite early in his diplomatic career begged Hitler to delete from *Mein Kampf* the passages referring to France. To this Hitler had replied that once he had set anything down in writing it could never be altered. His views, as expressed in his book, concerned only French Policy *vis-a-vis* Germany at a particular time and he meant to show by his future actions that his opinion of the French had changed.

We were also surprised to hear that long before the war, Ribbentrop had arranged a meeting between Mr. Baldwin, then British Prime Minister, and Hitler; a meeting which had been called off at the last minute by the British.

Again Ribbentrop gave a very impressive description of the growing influence of anti-German circles in

Britain. At a time when a satisfactory solution of every mutual problem was still possible this element, he told us, had exerted a disastrous effect on Anglo-German relations.

The accused described his life as an officer in the first World War, and afterwards as a successful business man with international connections. Anyone with imagination could picture for himself how this amateur entered the political arena and because Hitler could not find a sufficiently willing tool among the professional diplomats, managed to work his way to the top.

More than once Ribbentrop strayed from his subject, for he had not yet reached the main point—the basic principles of the foreign policy of the now ruined and broken Nazi Reich. The Prosecution had depicted this foreign policy as a succession of broken treaties and criminal adventures; we hoped that the former Foreign Minister would portray it (as he had done so often in the past) as an attempt not only to safeguard Germany but to preserve Europe and protect culture and civilisation from destruction. But we waited in vain. The prisoner's replies to his counsel's questions became more long-winded, involved and ineffective: his thoughts were confused, and his style deteriorated. It was weird, even grotesque, to hear this man who normally spoke such faultless English saying things which gave rise to serious difficulties in translation. He left sentences unfinished, forgot facts, muddled up the details of the most crucial events and made use of vague misleading metaphors. . . . We listened in vain for the self-confident phrases with which he had been used to justify his policy, or for a single one of the old arguments in favour of a strong central Europe. He did not even touch upon our splendid, ambitious plans for the consolidation of the continent, plans which had once roused such enthusiasm.

By the time Horn came to his final questions much evidence in Ribbentrop's defence had been produced;

yet when the case for the Defence closed it was, as if somehow, it had been left suspended in thin air—it lacked the necessary political framework to give it solidity and substance.

To the four prosecuting counsel the defendant proved an all-too-easy prey. He was obviously not *au fait* with either the form or the reasons for the system of examination used before the Tribunal and he parried questions in a noticeably inexperienced manner and absolutely refused to give a plain Yes or No even when there was no point in such an attitude.

As interested spectators we saw with dismay the former Minister confronted with earlier statements in direct contradiction to his present testimony. More than once he was called on to admit outright that something he had said in the past was a lie; when this happened he would sometimes dodge the issue or reply "No—that's just diplomacy!"—thus discrediting both himself and his methods. In only very few instances did he succeed in getting his feet on to political *terra firma* and thereby enable himself to reconcile apparent contradictions.

He assured the Tribunal, for example, that he had always been in favour of an Anglo-German understanding; whereupon the Prosecution produced a memorandum dated 2nd January, 1938, in which he had recommended to Hitler the building up, under cover of a friendly policy, a coalition against England whom he described as "the most dangerous antagonist" we possessed. In his reply, the prisoner explained that in face of growing anti-German feeling in Great Britain no other course was open to him.

The court frankly did not believe this, and it was suggested that the few genuine attempts made at mutual understanding had been inspired by a wish to be unencumbered in the west while implementing an aggressive policy in the east. The real truth of the matter

is obscure and a more exhaustive examination of these premises will have to be left to future historians.

The question of how far Ribbentrop's word could be trusted presented a problem not only to the court but his fellow-prisoners. We thought that he was not deliberately lying when he emphasised his repeated warnings against conflict with England, but we did feel that he was now laying very different stress on various factors in the past international situation to that which he had given them when he was Minister, and under Hitler's influence.

Ribbentrop's connection with plans for exterminating the Jews played a large part in his cross-examination. He had been instrumental in bringing about the surrender of countless Jews from occupied countries and states allied to Germany, and on one occasion at least (during the discussion between Hitler and Horthy in April 1943, referred to above) he could not have failed to understand the real purpose of the transfer.

We prisoners compared Ribbentrop's defence with Goering's and came to the conclusion that, while the former Field-Marshal had never ceased to wear, on his shabby uniform, the invisible insignia of his rank, we had looked in vain for traces of the golden globe which once adorned the left sleeve of the Foreign Minister—a decoration, incidentally, which many of us had found profoundly irritating.

The one positive thing which transpired in Ribbentrop's defence was his attachment to Hitler. To see in this nothing but a wish to evade his share of responsibility was unfair, though when he remarked that he had never been Foreign Minister, but merely Hitler's secretary for foreign policy, there seemed some justification for such a view. On the whole, however, his declaration of loyalty atoned for much, for it was difficult to see in him anything but the tool of a will stronger than his own.

After his examination he returned to the dock in a state

of complete exhaustion, his usually pale face unnaturally flushed and in his eyes an expression of profound despair. But he had lost nothing of the reserve which had told so much against him in the past and which now invested him with a certain dignity. He sat bolt upright in the dock, even though it cost him the last remnants of his strength to do so.

CHAPTER TWENTY-ONE

Keitel Resigns Himself To His Fate

FIELD-MARSHAL KEITEL, the last Commander-in-Chief of the *Wehrmacht*, walked smartly to the witness-stand. No one could have told by looking at him how deeply he had probed and analysed the charge against him, under which he was held accountable for everything described at this trial as a war crime. In truth hardly an order was issued by Hitler to the *Wehrmacht* which did not bear Keitel's signature, and there was no need to tell the Field-Marshal what that would mean.

Many of us were determined to forgo all guesswork about the hidden intentions of our late government, and simply speak the truth regardless of consequences. Keitel went even further, he not only helped the Prosecution clarify facts, but met them half way in their interpretation of those facts.

It is true that he emphatically denied ever having had anything to do with the planning of wars, although he had been present as a sort of dummy at the discussions with Schuschnigg and Hacha which had preceded military action against Austria and Czechoslovakia. And he also repudiated any responsibility for crimes against humanity, declaring that he had known nothing of the Jewish massacres.

But at the same time he did not dispute the significance of those measures taken by our government which the Prosecution designated "war crimes". He described frankly the scruples he had expressed about them when they had been ordered, and, so to speak, placed those scruples, which were in fact self-incriminatory, at the disposal of the Prosecution. In his own defence he simply

stressed that the orders did not originate with him but with Hitler.

Another man would have raised questions of the necessity for overstepping normal military conventions when faced with an enemy who waged war unfairly. Keitel simply contented himself with stating his own offences against military usage, scarcely touching on the circumstances in which they were committed.

His examination by Dr. Nelte proved surprising. No one had yet made such accurate and clear statements about complicated facts or expressed himself in such easily understood and translated German. We had got into the habit of disparaging Keitel's intelligence and of accusing him of spinelessness; we had called him ugly nicknames. But in the witness-stand he displayed not only a keen, logical mentality, but more courage than most.

The story of his career showed clearly the origin of the tragic conflict which finally proved his undoing. As a soldier, born to obey and trained to command, he possessed unquestionable gifts. General von Seeckt had been well aware of this and in 1921 had recommended him for the post of Head of the Department of Army Organisation (*Heeresorganisationsabteilung*). Then in 1935 Field-Marshal von Blomberg appointed him Chief of Staff.

On the 4th February, 1938, Blomberg suddenly fell into disfavour as the result of an unsuitable marriage; and the Head of the State, Hitler, took over his post and became Commander-in-Chief in name, though not in fact. Hitler did everything to ensure that Keitel remained in a subordinate position, assuming for himself all the rights and privileges, but not the duties, of his new office.

The Prosecution continually tried to demonstrate the absurdity of a Field-Marshal rendering obedience to a former Corporal. On one such occasion Keitel replied that Hitler, albeit self-taught, had amassed quite a respectable

amount of military knowledge; his final words were: "I was, quite frankly, the pupil, not the teacher."

Keitel in his testimony quoted the most dangerous words that Hitler ever spoke; words with which he bedevilled many a possessor of sound common sense: "I alone am responsible. I see more, I know more, than others; therefore I demand blind obedience." Now, the man who had taken Hitler's orders was standing his trial, and carrying the responsibility for them on his own shoulders. The Leader, whose aim had been to deprive his subordinate of authority had gone to his grave and not a word of the mass or arguments and rhetoric with which he had once compelled blind obedience remained.

Listening to the evidence one became aware that a problem of military discipline had developed into a tragedy. Keitel's obedience was certainly not the result of fear. I could not detect a vestige of cowardice in the man; he did not rebel simply because he looked upon a soldier's obedience as an essential part of the universal order of things. He was unshakably convinced that the Head of the State, whether his name were Kaiser Wilhelm, Ebert, Hindenburg or Hitler, should be able in times of stress to rely on the loyalty of his armed forces. Where this Head of the State came from was of no consequence to the soldier; that belonged to the realm of politics, and politics were a closed book to Keitel.

This attitude, which before the war used to be considered high-principled, not only won Keitel his promotion to the rank of Field-Marshal but eventually brought him to the scaffold. Every soldier in the world should reflect seriously on the consequences of this question of obedience, for it concerns him closely.

Among the occupants of the dock the problem gave rise to vehement discussion. We agreed, of course, that obedience does not excuse crime; but there was endless argument as to the meaning of the word "crime". The

one who argued least was Keitel himself; and all the objections he had himself in former days raised against the shooting of hostages and similar measures (objections which, at the time, had been swept aside), were now brought up against him without affecting his self-composure.

Keitel said to me that the term "legitimate self-defence" was capable of such wide interpretation both in terms of morals and of expediency that it could be made to justify almost anything. It was useless to point out to your antagonist after the battle how awkward your situation had been, for he would never acknowledge it. For this reason he contented himself with explaining the orders which he had formerly transmitted to others without attempting to excuse his actions.

During Keitel's evidence the question of the famous "Under-Cover-of-Darkness" Decree, so often quoted as a typical war crime came up, and it was shown that its original text did not bear a criminal impress. By this measure the deportation of the inhabitants of occupied territories to the Reich was subject to strict enquiries by courts-martial, and to the approval of a Divisional Commander: there were also provisions for a system of counter-checks on the working of the order. In practice things worked out differently, for the decree was applied in a most arbitrary fashion, and by means of it cruel sufferings were inflicted on thousands who disappeared into concentration camps. Keitel, however, did not even trouble to point out that its most cruel feature which (apart from the way it was carried out) was the deportation of prisoners without the knowledge of their families is an everyday occurrence in the territory of one of the four prosecuting powers.

Light thrown on the "Commando-Decree" showed much the same state of affairs. The public learned for the first time that, according to the letter of this edict,

soldiers who behaved like bandits were to be treated as such and shot down *in battle* without mercy. In practice, however, the decree resulted in the shooting of prisoners from past engagements after exhaustive examinations and without judicial sentence.

Where is the dividing-line between sanctioned killing and unjustified murder? Who overstepped this dividing-line? Hitler who issued these orders, Keitel who transmitted them, or Himmler who executed them? We were to hear a lot more on this subject, for it applied to others in the dock who, when their turn came, put up a stronger defence.

In his first examination by Dr. Nelte, Keitel referred to those parts of the indictment which concerned him personally in such a straightforward way that no one in the hall can have doubted his words, and so exhaustively that there was really no need for re-examination later.

General Rudenko, who opened the cross-examination, nevertheless found one point about which this witness, so ready with his admissions, offered a determined and skilful resistance. The Russians possessed a curious prejudice in favour of catchwords; they always wanted to round off their explanations with some demagogic formula; but they never succeeded in doing this with Keitel. He answered willingly enough a number of pertinent questions about the "Green Portfolio" which contained the German economic plans for conquered Soviet territories; but when they tried to get him to describe these plans as "plundering", he refused to do so declaring that disputes over expressions like "war booty", "utilisation of supplies acquired in battle", and "looting" came under the head of ideas not facts and there is no need to define them in court. Each person has his own word for these things.

I watched Rudenko's face during this rebuff. He

showed no sign of embarrassment and I am firmly convinced that his well-trained brain simply did not recognise the reference to the practices of his own country. During the cross-examination Rudenko repeatedly made use of arguments which originated in the west and which, coming from him, lacked conviction, although he brought them out with all the consummate frankness of expression of which his ruddy face was capable. On one such occasion Keitel interrupted him with the words "I was an obedient soldier and loyal to my Leader. I do not believe that there are Generals in Russia who do not render unconditional obedience to Marshal Stalin"

It was clear to us from the way Keitel's case was handled that the representatives of the Allied armies failed to discern that its results may one day recoil on them. For while the navies of the western powers displayed keen interest in the problem of the German sailors in the dock, the only signs of this kind we noticed from the hostile armies were one or two published articles in which an unconvincing attempt was made to distinguish between military and political responsibility. Perhaps some Allied soldiers had their scruples about the treatment meted out to their former enemies, if so, they stifled them in obedience to duty.

The court kept to the conditions of its charter, in article 8 of which it is stated that obedience to orders is not recognised as a reason for acquittal. It might perhaps have been put forward as a plea for mitigation of punishment, but the court made no move in that direction. The former Chief of Staff was found guilty on all four points of the charge, even those he had disputed, and sentence was pronounced on him in the name of humanity. Humanity, however, will not benefit by this sacrifice if it fails to realise that at no time in his career did Keitel bear the brand of Cain. He was a kind, well-bred, and conscientious man whose patriotic egoism was no stronger, and whose

capacity for human feeling was no less real, than that of many superior officers in other countries.

Keitel was a victim of the clash between the old concept of a purely military war and the modern one of total war in which whole peoples and ideologies are involved. To ignore this is not merely unjust, but shallow-minded.¹

¹ A few months after the sentence upon Keitel had been carried out, his attackers shifted their ground. At the trial of the German generals in the South-east, an American court-martial agreed that the shooting of hostages did not, in itself, constitute an offence against international law, but was subject to certain conditions governing the number and selection of persons. French courts-martial took the same view.

In Italy in 1949, the families of persons who had been shot as hostages brought a charge against the authors of the attempted murders which caused the shootings.

When Field-Marshal von Munster came before a British military tribunal, British people found the money for his defence.

Two years after Keitel's death during the Indonesian war, Dutch soldiers came up before a court-martial for refusing to set fire to native villages.

CHAPTER TWENTY-TWO

Kaltenbrunner Rages

KEITEL HAD offered the minimum of resistance: Kaltenbrunner, who was present more or less as Himmler's proxy, hit out right and left. From the start of his appearance in the witness-stand, even during his examination by his own lawyer, he came into conflict with the court, the Bench intervening because he persistently evaded the questions put to him and insisted on jumping from one subject to another. Finally a most unusual situation arose in which defending counsel lost patience and said to his client: "Herr Kaltenbrunner, for the last time, I ask you. . . ." Then the prisoner climbed down and gave the required information.

To one at all sensitive to sound there was something striking about Kaltenbrunner's voice, especially the way in which in between the various tones of different counsel his hurried sentences came pouring out, the words tumbling over each other. He was like a man in a small boat in a storm, tossed hither and thither, who by frantic rowing manages for a time to evade the rocks on either side: we, his audience, hardly ventured to breathe as we followed his perilous course.

In his evidence he solemnly declared that when, in January 1943, he succeeded to part of Heydrich's duties he was not actually Chief of the Ministry of National Security,¹ but only Head of Departments Nos. II and VI, i.e. those in charge of home and foreign news services. Himmler had reserved to himself the other departments, which came under the jurisdiction of the Police Executive. During a break in the session, Kaltenbrunner came hurrying

¹ German: *Reichssicherheitshauptamt*—R.S.H.A.

up to me and demanded that I make a sworn statement to the effect that he had objected to the title "Head of the R.S.H.A.", which had always been used in references to him by the press and radio. I searched my memory, but found I was unable to make the statement, for I could not recall his having ever requested any such thing. Later I realised that Kaltenbrunner had really been without many of the powers which Heydrich had wielded. He did not take over the R.S.H.A. until a year after the latter's death, by which time the heads of its various departments had become accustomed to dealing direct with Himmler and Kaltenbrunner had found it impossible to sever these connections. But I think he tried to prove too much in court and protested too vigorously; even when he was speaking the truth he aroused mistrust.

He told the court with considerable heat that he had never in his life signed an order for preventive arrest, issued a single instruction for a man to be shot, interfered with the Police Executive or given orders for the setting up of any kind of prison camp. Whereupon he was confronted with literally hundreds of execution orders bearing his signature as well as a circular letter addressed to Leaders of the S.S. and police authorising "Labour and Instruction" camps. Finally a private letter to the Mayor of Vienna was produced in which Kaltenbrunner promised to send him concentration camp prisoners for public works.

None of this, however, seemed to destroy the witness's faith in his case. He asserted that his name had been forged on the execution orders at the behest of Muller the head of the Gestapo, and that he himself had had no idea of the trick played on him until just before Germany's collapse. As for the circular to superior S.S. and police officers there was no signature on it, his name had merely been typed at the bottom and therefore, since he was in the habit of signing his own mail, he could not be held responsible. At first he even disputed the validity of his

personal note to the Mayor of Vienna, but of this he later admitted authorship.

All of us in the dock, without exception, knew that in German official instructions an actual handwritten signature is a rarity. As a rule only the original order bears the actual signature of the official who authorised it. On the fair copies which are circulated his name is merely typewritten, a Chancery official verifying the signature of the original draft. Kaltenbrunner's prevarications about well known routine matters of this sort could not fail to cast grave doubts on his truthfulness.

On the other hand the Prosecution frequently laid itself open to counter-attack. It exaggerated the accusations against the prisoner, and sought to make him responsible for events which had occurred two years before he took office; as well as confronting him with sworn declarations which bore the hall-marks of unreliability. In one of these latter, a certain Gerdes deposed that Kaltenbrunner had planned to kill the inhabitants of two Bavarian concentration camps, and that it was only at the risk of his (Gerdes') life that he had managed to thwart this horrible purpose. The prisoner described this evidence as a complete fabrication from beginning to end and the Prosecution actually came to agree with him, for it turned out that at the time his authority had not extended to the Bavarian camps.

The production of such absurdities by the Prosecution provided the Defence with its best weapons; but Kaltenbrunner by claiming too much entirely destroyed any good effect they might have had.

In addition he had a stroke of bad luck. When answering his counsel he described in emphatic terms how, from the very first day when he took office with the R.S.H.A., he had protested against the liquidation of the Jews. Then he went on to complain that two witnesses, Höttl and Mildner, who were in a position to confirm this were not

present. One of the prosecutors was quivering with impatience and as soon as he got a chance to speak drew from his pocket affidavits from these two same men swearing that Kaltenbrunner had been a "purveyor of material for the corpse-factories at Auschwitz". Although this accusation was very inadequately substantiated, coming from such a source it had a devastating effect.

Counsel for the Defence was Dr Kaufmann, a most scrupulous seeker after truth who showed himself almost fanatically keen about the task he had undertaken. To him the Bench conceded the right to deal, if need be, severely with his client who was a most elusive witness.

In the Kaltenbrunner-Amen duel the evasiveness of the witness seemed to us completely justified, and in fact though Colonel Amen demanded unadorned affirmatives or negatives to his questions the court intervened on behalf of the prisoner.

The American, who was an exceptionally skilled cross-examiner, suddenly launched a dramatic attack on the prisoner in the form of a most gravely incriminating document. It was a letter which a former prisoner in Mauthausen had ostensibly taken down from the dictation of the dying Commandant Zieris—a man who, an hour before the unchallenged entry of the Allied troops, had been alive and well. In this letter—which constituted a kind of last testament and contained admissions as well as accusations, it was stated that Kaltenbrunner had issued orders for specific individual executions as well as for mass killings.

With the persistence and despairing courage of a cat the prisoner, bit by bit, tore this document to shreds. His voice grew louder as he accused Amen of confusing the personal assertions of the Mauthausen captive who had taken it down with Zieris' own testament (which since the Commandant had obviously been beaten to death was itself open to question). The affidavit of one

Becher, an S.S. Leader, which to some extent confirmed the Ziweis statement, was then produced and resulted in an outburst on the part of the prisoner such as never occurred again during the whole course of the trial. Kaltenbrunner insisted that this same Becher had been Himmler's assistant in his revolting attempt to make capital out of Jews by selling those in whom other countries had any interest. Kaltenbrunner's diatribe against the prosecutor increased until he screamed at the top of his voice: "You think I'm going to break down! No, no, I shan't break down! I shall do what I can to discover the truth!" He raged and stormed and repeated sentences over and over again always ending with the words: "The truth—nothing but the truth!"

There was silence throughout the hall; even counsel for the Prosecution was dumb for a while; then after a long interval he said gravely: "It would need a novelist to have any idea of the truth about Kaltenbrunner."

Most of Kaltenbrunner's evidence was received with profound mistrust. Only one man believed him—a man who never ceased to insist that those who threw doubt on all his statements were doing Kaltenbrunner an injustice. The man who took this attitude was one whose voice should carry considerable weight both by virtue of his calling and because he appeared to be a cool-headed, impartial observer. He was the Catholic prison chaplain, an American.

After the excitement of the cross-examinations had died down and we were awaiting the verdict, I tried to get to know Kaltenbrunner better. I soon came to the conclusion that he knew far more than I about the technique of extracting confessions during a process of questioning, and I noticed that he himself ascribed the success of the principal charges against him to the coercion or cajoling of the witnesses concerned. He had no illusions whatever as to the motives and methods of the Prosecution

in their examination of him, and claimed for himself the same liberties which they assumed. I noticed that where I reckoned only with the actual substance of a statement, he was more concerned with its emotional effect.

Many a novelist, I feel, could conjure up a profile of Kaltenbrunner. But I doubt if any would depict the whole truth, for the last head of the R.S.H.A. knew far more than he ever told.

CHAPTER TWENTY-THREE

Rosenberg Has His Say

THE NEXT prisoner to take the witness-stand was Rosenberg. In Germany itself, as well as abroad, he had been looked upon as the philosopher of the National Socialist movement, as anti-semitic and an enemy of the Church. Only a very few knew much more about him than those few bare facts.

Rosenberg was a native of Reval; his father was a Baltic German and his mother Lettish. He therefore belonged to that group of leading Nazis who hailed from the very outermost edge of the German orbit, a group that—as the Nuremberg Trial showed—was by no means inconsiderable.

Goering's father, a colonial governor, lived in Africa; Hess, the son of a wholesale merchant, grew up in Alexandria; Kaltenbrunner, Seyss-Inquart, and above all Hitler himself were products of the Hapsburg Empire; Frank and Heydrich—the late organiser of the Jewish murders—could, had they wished, have claimed kinship with the very race they so bitterly attacked.

Moreover, in Nuremberg gaol at the same time as ourselves were the *Gauleiter* Bohle, who had been born in South Africa and possessed British citizenship; Darré, the ex-Minister of Food, who came from South America; and his principal secretary, Backe, who was of Caucasian origin.

Again, Schacht and Schirach both had intimate connections with the New World while several others of the accused had considerable experience of life abroad—for instance Ribbentrop, the international business man; Doenitz, for many years a prisoner of war in British hands;

Sauckel, who had been a sailor; and the diplomats von Papen and von Neurath.

Unlike those Germans who had become cosmopolitan through contact with foreign peoples, these men had developed a quite exceptional national feeling, and had either been irresistibly drawn back by sentiment to the Fatherland, or else been inspired to labour with all their might for its restoration. Coming from abroad after the first World War many of them had made straight for Munich, at that time fertile ground for the spread of nationalistic ideas, though later they migrated to Berlin with the notion of succeeding to the heritage of Frederick the Great and Bismarck.

The Prosecution now accused such men of an outlook bounded by the walls of Potsdam garrison church. They were all lumped together under the heading "Prussian", which was used to describe the Rhinelanders Goebbels as well as Bavarians like Himmler, Streicher and Jodl.

Rosenberg, however, was without doubt the most alien of all the "New-Berliners". He had studied architecture in Riga and in 1918 sat for his examination in Moscow, subsequently taking refuge from the Bolshevik Revolution in Germany. In addition to an innate antipathy to the Russian outlook and a mass of cultural and racial theories, he brought to Munich, where he soon gained a footing, a bitter hatred of Communism. At Munich he met Hitler who, with his young party, soon fell under the influence of ideas which were reflected in *Mein Kampf* and expounded in the National-Socialist paper the *Völkischer Beobachter*, of which Rosenberg assumed control.

When the Nazi Party was proscribed in 1923 and its leaders gaoled it was Rosenberg who kept the un-shepherded remnants together. Five years later he published the much-discussed *Legend of the Twentieth Century*, a book which has been the subject of fierce argument and has inspired many written refutations.

During the rise of the Party it reached the one million mark, but though many people possessed it I never met anybody in fifteen years who had really read it. Almost any passage taken at random was enough to show the heavy, involved style and muddled thinking which obscured its meaning, and it was no doubt this woolliness which enabled it to escape the prohibition that sooner or later fell on the writings of all our Party's theorists.

In later years Rosenberg's personal influence waned, though his ideas continued to spread. Goebbels used frequently to say—particularly at the beginning of the war—that Hitler kept this former comrade away from practical activities because of the invariable muddle which ensued when he attempted them.

By a queer twist of fate a practising, indeed a militant Protestant, Dr. Thoma, undertook the defence of this anti-Christian. During the trial I often watched with intense interest the signs of Thoma's inward struggle; and even foreign observers seemed to sense the conflict going on between the lawyer and the Christian. With this man the Bench overlooked much which they censured when dealing with his colleagues.

Dr. Thoma took his task very seriously. He delved deep into his client's documentary material, held long daily consultations with him, and while he prepared his case vainly endeavoured to convert his erring spirit. Rosenberg on one occasion complained that he had to put up a stiffer fight against his own counsel than against the Prosecution! In open court, however, Dr. Thoma fought stubbornly in the interest of the man he had undertaken to defend.

The Prosecution maintained that the accused had preached his doctrine with the sole object of using it as a cloak for the subsequent crimes of the Nazis. In order to prove the contrary, counsel for the Defence attempted to trace the incriminating views back to their roots in established philosophy. The entire train of thought which

he was called on to unravel before the court was obviously abhorrent to Thoma, though he saw in it not so much the shortcomings of an individual as the most recent fruit of that "enlightenment" which first declared war on Christianity a hundred and fifty years ago. Rosenberg should be given the opportunity to expound his ideology in his own defence; and to bring this about Thoma turned the examination into a sort of a philosophic duel which, after a few minutes, was cut short by Lord Lawrence. Mr. Dodd supported the decision of the Bench with the caustic comment "Rosenberg is not being arraigned on account of his thoughts, but on account of his actions." When Rudenko also protested against theoretical arguments, an end was put altogether to attempts to discuss this pseudo-philosophy.

Rosenberg next embarked on a series of diatribes which gave rise to fresh difficulties. No one was able to translate his involved and often wrongly-emphasised sentences. It was not easy even for a German to follow him, for a foreigner it was frequently impossible, which meant this part of the evidence was never really submitted to the Tribunal at all. A marked example of the linguistic problems this witness set the court occurred when he attempted to explain the principles of Nazi leadership (*Führerprinzip*) which was considered by the Prosecution an essential factor in the conspiracy. I have tried to reproduce his words verbatim: "*Es hängt nicht von einem Kopf ab, sondern unter dem Begriff Führerprinzip muss ein Höhepunkt geschaffen werden in der Befestigung eines Senates oder Ordensrates mit korrigierender oder beratender Funktion.*"¹ Who on earth could translate such a sentence so as to give it a precise significance? Of course the complement to

¹ *Translators' Note* The following is a not very successful attempt to reproduce the above for the benefit of English readers. "It does not depend on one head alone, for according to the theory of 'Führerprinzip' a culminating point must be reached by the establishment of a Senate or Ordering Council with a corrective or advisory function."

this statement—that such limitation of the Leader's authority was not to apply to Hitler himself but only to his successor—also failed to be understood.

Asked about the word "*Herrenrasse*," (master race), the accused declared that he had never deliberately used it. Ideas of the kind which might be found in his writings were either quotations from Homer or from recent American and English thinkers. On the subject of anti-semitism he made only a few brief statements, among others that ". . . the Jews after their 'generous emancipation', had resumed their 'peculiar activities' more conspicuously than before."

When Dr. Thoma raised the important question: "And what was your attitude to the twelve thousand Jews who fell in the first World War?" the accused said something about "personal tragedy" and "isolated cases of integration which did not in themselves solve the problem". He said that he had fiercely attacked the Jews until 1933 but that when National-Socialism came into power he had reckoned that they would receive chivalrous treatment. What had actually happened to them after that date was to him entirely incomprehensible, indeed beyond ordinary human conception; and he referred to it as "a piece of tragic history". He admitted without hesitation that he had frequently used the expression "extermination of the Jews"; but explained that he had not meant the slaying of individuals by this phrase any more than had the British Prime Minister when on the 26th September (the year was unintelligible) he had demanded the "rooting-out of Prussianism and National-Socialism".

In one instance only did the former Minister for East German Affairs admit to having, personally, discriminated against Jews. On the 18th December, 1941, when a hundred hostages were to be shot he had suggested that these should be chosen entirely from among Jews. However his suggestion had been disregarded.

Replying to a charge of religious persecution the prisoner went into greater detail; the essential points of his evidence may be summarised more or less as follows: Rosenberg's personal opinions about various religious denominations had often been strong, but he had never embarked on propaganda in favour of withdrawing all support from the Churches. His aim had been to establish freedom of conscience. As Minister for East German Affairs he had issued a decree prescribing religious tolerance, and had restored to their original use many churches closed during the Russian revolution. He had never demanded police assistance against his theological adversaries, but on the contrary had categorically refused to countenance state interference in religious matters. He had had no desire to found a new Church. He had known about the closing of numerous convents and other religious institutions in a general way, but could not see that this implied persecution. Religious services had never been prohibited and up to the time of Germany's defeat the Church had been in receipt of an annual state grant of seven hundred million marks. The witness thought that the whole problem ought to be regarded simply as an incident in the thousand-year-old struggle for power between Church and State.

Rosenberg emphasised that as "agent for education in politics and world-ideology (*Weltanschauung*) for the National Socialist Party", he had possessed no executive powers which were wielded by the appropriate Ministers. We in the dock knew that, in theory, this was correct; but many of us had learnt during fights against intolerance that things had been very different in practice. Intentionally or unintentionally Rosenberg had become the leader of all those who regarded the Church as the enemy of the State, and had thereby caused irreparable damage to both institutions which are alike indispensable to a properly ordered society. Not only did he stir up

unnecessary strife, but he deprived the Nazi system, in which so many of his ideas were incorporated, of its natural correctives; a danger of which he had been warned at the outset of his political career.

The Prosecution was careful not to delve too deep into theoretical controversy and Mr. Dodd in his cross-examination contented himself at this stage with a few tentative questions designed to show where the accused had crossed the dividing-line between theory and practice. But when Rosenberg persisted in his assertion that the *Legend of the Twentieth Century* was a personal confession of faith and not a political programme he was made to read aloud the preface which, some years before, he had written for a new edition. It contained the following words: "Many of the ideas expressed herein have already become national political realities. . . ."

Apart from this the prosecutor preferred to deal with facts, which were easier to tackle and of which there were enough and to spare.

Rosenberg, the man of ideas, had always felt the pull of practical politics and this had led him, in 1933, to establish the "National Socialist Foreign Political Institute"¹ whose function it was to look after foreigners, arrange lectures, and generally handle problems of the kind. The Foreign Ministry was not best pleased by this development, for the Institute interfered in matters of state and, owing to its inexperienced staff, caused much confusion which had later to be straightened out by the Ministry's officials.

Rosenberg, however, had looked upon his Institute as a jumping-off place for a post in the Cabinet, and had in fact become Ribbentrop's most formidable competitor for Neurath's position. But during visits to England and Sweden, he showed himself to be somewhat heavy-

¹ German: *Auseenpolitische Amt er NSDAP*, not to be confused with *Das Auswartige Amt* (The Foreign Office)

handed and as a result—chiefly on Goering's recommendation—his movements were restricted. It was not till 1941 that Hitler entrusted him with the task which seemed really fitted to his interests, and he was placed at the head of an organisation called the 'National Ministry for the Occupied Eastern Territories'

It was assumed that Rosenberg was well acquainted with the peoples of these territories and with Bolshevik methods of administration. But a post of this kind demanded more than knowledge, it demanded an outstanding gift for organisation and the ability to make rapid decisions. Rosenberg completely lacked these requirements.

He began his work full of that antagonism so often showed by the inhabitants of Baltic States for the Russian, but this prejudice soon subsided. In the course of his examination by his own counsel he declared sincerely enough, that he had by no means agreed with Hitler's notions at the oft-quoted discussion of 16th July 1941, when the latter had spoken of 'a convenient division of the Russian cake'. On the contrary, the Minister for the East had wanted to grant local autonomy to each separate Russian province, and there were numerous memoranda to show how he had tried to accomplish this purpose. In some instances he had managed to put his plans into practice: schools and universities had been established and considerable trusts set up, such as, for example, one for a hundred and fifty million marks to provide agricultural machinery for the Ukraine. Other measures of the same nature had been planned.

In graphic terms Rosenberg described the insubordinate behaviour of the commissioners under him, who did as they pleased and ruled over their districts like oriental despots. These men ignored orders and took every advantage of the Minister's inability to control his staff. After all, Berlin was a long way off!

From outside, too, Rosenberg's powers had been curtailed. *Wehrmacht*, Departmental Ministers, Police, and the Four-Year-Plan Organisation had all encroached on his preserves. We in the dock knew from experience that it was true that he had never been able to exercise full authority; but that did not now relieve him of responsibility for what had been officially under his control.

Indeed his incompetence in inter-departmental disputes provided the Prosecution with an entire forensic armoury. There was, for instance, a letter from Bormann to Rosenberg about Hitler's wishes in regard to the occupied Soviet territories. Leading members of Rosenberg's staff had subjected this letter to expert scrutiny and in their minutes epitomised its contents as well as expressed their opinion on it. They reported that the demands were monstrous and could be summed up as follows: the Slavs were to be forced to work for Germany, those unfit for work were to die; inoculation was to be considered superfluous and fecundity undesirable; there was no need for Slavs to have schools, it would be sufficient if they could count up to a hundred. These comments on Bormann's letter concluded by remarking that such directions would undo everything that had hitherto been accomplished in the East.

Rosenberg had soothed his indignant colleagues and then replied reassuringly to Bormann that the Leader's ideas were "exactly on the same lines as those of the Ministry. . . ." His aim, of course, was to ward off embarrassing interference. Now, at Nuremberg, this procedure landed him in a veritable tangle of cross-questions and crooked answers. How could he defend himself? What was he to say about Hitler's orders to which, according to the Prosecution's submission, his acquiescence had not been merely formal? Was he to refer to the admittedly reasonable views of his staff, whose

protests he had repudiated? Whatever he said the fact remained that he had accepted the orders without resigning his post.

Mr. Dodd, in a number of seemingly innocuous remarks, gave the prisoner the chance to get off his chest all the bottled-up resentment which he had long been harbouring against the most despotic and brutal of all his henchmen, Koch, the *Gauleiter* of East Prussia, who had considered himself sovereign lord of the Ukraine. Rosenberg gave this man the worst possible character. According to his testimony Koch had not merely disregarded orders but had actually threatened him, yet whenever there had been conflict between them, Hitler had invariably sided with Koch. In reply to a question, Rosenberg stated that the character of this man had been known to him as far back as the twenties.

Dodd nodded sympathetically. "As long ago as that?"

"Yes—as long ago as that."

The prosecutor then produced a letter dated 1949 in which Rosenberg himself had put forward the name of *Gauleiter* Koch as Commissioner for the Moscow District. Soon after this the accused was confronted with another letter, this time one addressed by a high official in his Ministry to the Commissioner of Riga in which it was stated that the Ministry of National Security was complaining that the Commission had stopped the shooting of Jews at Linau. In the attached answer from Riga it was explained that only the more brutal kinds of execution had been forbidden.

There was no getting away from it -this was clear evidence of complicity in the Jewish murders. In addition Dodd was apparently in possession of all Rosenberg's official records which included reports that "In the course of ten weeks 55,000 Jews have been liquidated in West Ruthenia," and: "The liquidation of Jews in the Rovno District has been completed. The neighbourhood

is now clear of Jews." All such reports came from the Minister for the Eastern Territories and were addressed to the government department concerned.

In the face of this evidence the accused could no longer deny knowledge of at least part of the Jewish massacres, but unfortunately he was not sufficiently exhaustively questioned on this point.

Mr. Dodd was succeeded by the Russian Chief Prosecutor Rudenko, who likewise brought up mountains of papers. Rudenko's methods, however, differed from the Americans'. He simply tore individual sentences from their contexts in Rosenberg's orders, memoranda and speeches and set to work to pillory them. The accused again sought to defend himself by making capital out of any passages which contained the slightest suggestion of human feelings for the inhabitants of the occupied territories, from which it eventually transpired that the worst revelations about what had occurred in the east originated from the prisoner himself. For example, he had collected instances of the mistreatment and deliberate underfeeding of Russian prisoners of war, commented upon them, and despatched them to Hitler with a request for redress. Now, because they had occurred under the regime which he had upheld, he had somehow to vindicate or explain the very things he had attacked, though indeed all indications of decent feeling on the part of the accused paled before the accounts of the horrors he reported.

Among other instances of his good intentions were the "Ten Commandments for Agricultural Leaders in Eastern Territories" (containing such directions as: "Avoid the slightest taint of Communism," "Be just, and always personally decent"), and the fact that he had laid it down that occupied territory was not to be regarded as fair game for looting. But what were the use of such words against the evidence of the deeds which the prisoner had censured but not repudiated?

Rosenberg insisted throughout his cross-examination that he had not been on an intimate footing with Hitler. In no single instance had he ever been summoned to a conference at which decisions of political importance had been made. He had first learned both of the outbreak of war and of the occupation of Norway from the radio. The attack on the U S S R. had already been decided upon when he took over his duties in connection with the Eastern Territories, and in the last years he had no longer even had, he said, access to Hitler.

But none of this, which related only to individual responsibility, interested Rudenko, who was looking for more weighty political matter and preferred to raise the question of whether the accused had split up the Baltic States and requisitioned the peasants' land for the "Baltic Barons", the German Balts who were driven from their estates after the first World War.

This was a matter in which Rosenberg felt thoroughly at home and one concerning which, moreover, he had ample material at his disposal. He affirmed that his Ministry had restored autonomy to those Baltic States which had recently been annexed by the Soviet Union, and that, although subject to war-time restrictions, they had been left completely independent in cultural matters. But the German barons had *not* been brought back, nor had they received one square foot of land. Germany had not interfered with the owners, but on the contrary had formally confirmed them in possession, despite the fact that the estates which had belonged to German families for seven hundred years had been expropriated after 1917, almost without compensation, so that in fact these comparatively new peasant proprietors had been re-established in the property of which the Soviet had lately dispossessed them!

Rudenko refused to listen to a word. During the examination by the Defence he had already interrupted

statements on this subject with a protest that "such Fascist propaganda" should not be tolerated. Now he dismissed the matter as quickly as possible.

On another point too, Rosenberg proved a source of annoyance to the Soviet prosecutor. His knowledge of the Russian language enabled him to criticise wrong translations. In Rudenko's version "hard" became "cruel", a reference to state requirements was transformed into "German interests", and the word "Colonisation" was rendered simply "Destruction". The Tribunal's exceedingly accurate interpreters naturally transmitted these mistakes in the Russian rendering of a German original into the other languages of the Court.

On one occasion the prisoner became so indignant that he began to shout at the top of his voice and was pulled up by the Bench, when he apologised. Finally a stop was put to this not always very relevant duel. The President interrupted the Prosecution, requesting that any remaining questions put to the prisoner should be brief and when Rudenko insisted on the right to continue, exerted his authority and applied the closure.

But the cross-examination was not over for there followed an exceedingly painful hearing conducted by the Frenchman, Monneray, concerning Rosenberg's special organisation for conveying works of art to safety and protecting them from possible war damage. This organisation at Rosenberg's instigation had also shipped furniture from empty French houses to Germany for the use of bombed-out Germans and it now turned out that such plundering was not confined to houses already left empty, but extended to those forcibly emptied by the deportation of their occupants.

When the President of the Court permitted Rosenberg to withdraw he walked back to the dock with measured tread. Not a muscle of his face seemed changed; but he knew he had lost. He had been much hampered in his

defence by major crimes committed under his administration and by mistakes he had made in organising his Ministry. He had not even been able to use the witness box to give expression to his ideas.

To the prison psychologists Rosenberg presented an especially interesting subject. They looked upon him as a cold-blooded, ruthless murderer and did not trouble to conceal their opinion. To them he was the incarnation of brutality; a man devoted to twisting and distorting the law for his own purpose.

In our view he was a mistaken man. No one seemed to realise that soon after he took over the Ministry for Eastern Territories Rosenberg had undergone a change of political outlook and that whereas his colleague Koch¹ continued to tread the path of violence, he had hesitated. The theorist shrank from the practical application to which he was being driven. He beheld political injustice and gun rule, realised the enormity of the mass-murders being committed, and was appalled. But he succeeded in stifling his conscience and continued to acquiesce in crime even if he did not actively participate in it.

Thus it came about that this man, for all his appearance of self-righteousness, ended by being caught in his own toils.

¹ Koch was discovered and arrested in Hamburg in 1939. He was not brought before a German court but was handed over to the Poles. Hitherto no reports have been received of the trial.

CHAPTER TWENTY-FOUR

Did Frank Smell Murder?

KALTENBRUNNER HAD crouched like a cat ready to spring, Rosenberg had sat stiff like a ramrod, but Frank leaned back in the chair provided for the witness with a completely relaxed air. He looked dead tired yet somehow relieved, and the very posture revealed the man's despair. This was no longer the great seigneur who had lorded it over Poland and held court at his castle in Krakow, but a prisoner who had already twice attempted to open his arteries.

The former Governor-General of Poland was highly articulate and fond of colourful metaphors, and while evidently resigned to his fate would suddenly illumine his former pride and arrogance by some almost theatrical gesture. When his own counsel, Dr. Seidl, asked him: "What policy did you pursue in the regimentation of manpower?" he answered: "Why waste time? The decrees are all available. No doubt, the Prosecution will produce them. I may as well answer them point by point when the time comes."

On one occasion, referring to partisan warfare behind the front, Dr. Seidl used the word "banditry"—a term used in so many thousands of official documents that it had almost come to be a cliché. Surprisingly, his client called him to order; Frank resented the word "bandit" and wished to take the opportunity to pay homage to the brave patriots of the Polish Resistance. Yet, in almost the same breath and not without some dignity, he condemned the "fiendish, cowardly" attempts to assassinate German officials, women and children and to sabotage even peaceful work and essential services. Quite casually Frank

concluded these remarks with: "That sort of thing was the background of my work."

Certainly his improvised and colourful observations served to emphasise the difficulties of his administration far more clearly than any detailed enumeration of the Poles' atrocities could have done. Improvised they certainly were, though at times they gave an erroneous impression of having been cleverly arranged between defendant and counsel. When, for instance, Dr. Seidl showed his client a Polish document about the ruthless exploitation of the country Frank said: "I do not recognise it, but I am not going to contest it. What matters today is the things that were done, not the words that were spoken." He seemed to like this phrase and reverted to it several times.

Frank had been a lawyer before taking high office in the Party and the State. In 1933 his notions about law reform had been violently opposed by the German legal profession, which, however, in ten years of our rule so absorbed Nazi doctrine that at the end of that time Frank himself felt impelled to warn them in a public speech against various excesses and remind them that even under the stress of war certain basic principles must not be violated. Hitler bitterly resented this speech, and it seemed at the time as if Frank's career was at an end. To get his punishment reduced to a temporary veto on speaking at public meetings required all his shrewdness.

At Nuremberg Frank displayed the same ability in a tight corner. He was a past-master in dodging issues and when accused of an attempt to stamp out Polish culture had the courage to point to the present circumstances in Germany and conclude: "One cannot eradicate a culture. Neither then, nor now!"

Obviously we others in the dock were particularly interested in what Frank would have to say on the subject of the extermination of the Jews. On his arrest he had

personally handed over the forty-one volumes of his diary, and these contained passages which seemed to indicate a precise knowledge of the extent and progress of the persecution.

Naturally this document was quoted again and again by the Prosecution. In it the number of Jews living in Poland on 16th December, 1941, was given as three and a half millions and the number of those surviving on 25th January, 1944, as one hundred thousand. Any notion that so drastic a reduction could have been due to emigration collapsed in the face of the most vital and damning of the entries, which was dated 16th December, 1941 and recorded that Frank had been asked not to deport the Jews in his territories but liquidate them on the spot.

Whenever any one of us prisoners claimed to have been unaware of the systematic murder of the Jews he was shown one of a hundred unequivocal entries in Hans Frank's diary, each one of which treated their extermination as an established and well known fact. When his own counsel put the question: "Did you have a share in the extermination of the Jews?" his answer was "Yes".

We heaved a sigh of relief as we heard it. At long last someone had made a clear confession; now the whole question would be cleared up! But forthwith Frank qualified his answer by saying that he for one had never demanded extermination camps nor had any hand in establishing them. But if Adolf Hitler had devolved this terrible responsibility from his own shoulders on to the entire German people, then obviously he, Frank, must bear his share of it. After all, we had all of us for many years waged war against Jewry, and all of us—as was evident from his own diary—had said terrible things. That was why, he said, he had considered it his duty to answer his counsel's question in the affirmative. A thousand years would pass before the German nation as a whole could expiate its terrible guilt.

More specifically Frank stated that the extermination camps of Maidanek and Lublin, those nearest to his own seat of office, had been described to him as S.S. factories and that he had been led to believe that Auschwitz and Birkenau, which were outside his administrative area, were transit camps for Jews *en route* further east.

After this there came an astonishing statement in which the accused declared under oath: "I knew nothing about the extermination of the Jews" and then with a tear-choked voice and with a grand gesture of which a great actor could well have been proud he concluded. . . . "But even through the walls I smelt in my nostrils the stench of what was happening!"

When Frank returned to his seat in the box I leaned over to him and hissed with some bitterness: "According to your own diary you did not merely smell, you damned well knew, what was happening. It would have been more honest to say so, and not try to hide among the millions of our nation whom you are trying to burden with a thousand years of guilt."

This led to violent altercations which, owing to our scant opportunities for conversation, went on for weeks. The other prisoners took no part in the argument, but encouraged me to continue it. At long last Frank admitted that he saw my point; my reproach was justified and he would make amends in his final address to the court. But when that opportunity came all he said was that mention had been made of the German people having to bear a burden of guilt for a thousand years; however, in the meantime he had heard so much of their sufferings in one post-war year that he considered those thousand years of guilt already expiated.

As for Frank's cross-examination it gave the impression of being far and away the smoothest in the whole trial, perhaps because it could hardly reveal anything still unknown. It was opened by Smirnoff, one of the Russian

prosecutors. Strong and healthy, with the looks of a very quick-witted peasant, he faced the tired intellectual in the dock; the one bred up in and apparently well sustained by his totalitarian civilisation; the other a man who had freely chosen to adhere to a totalitarian doctrine which was now dragging him down to perdition. One might have assumed that such a prosecutor would have roused Frank's stubborn resistance; but it was not so. Indeed the witness was so polite and pliant, and there was so little friction between him and the Prosecution as a whole, that first the Russian and later the American, Dodd, came to the end of their questions much quicker than they seemed to have expected.

We prisoners had the impression of a man completely resigned to his fate who had neither the wish nor the will-power to fight, and we considered it regrettable that a unique opportunity of shedding light on a good many dark places was for this reason passed over. With Frank's high intelligence, legal mind, and great knowledge of many fields, it seemed incredible that he should have been no more than the mere tool of another's will. No doubt, he could have said more than he did about the background of the horrible Polish and Jewish butcherings and about the atmosphere in which the ghastly decisions to commit them were taken. It might seem to have been the Prosecution's task to probe the defendant's past with rather more energy; but they seemed to be satisfied when they reached a point where German judges would have started the real investigation.

CHAPTER TWENTY-FIVE

Expunged From Streicher's Record

FRANK'S INTELLIGENCE, poise and pliability were qualities totally lacking in Julius Streicher, formerly Gauleiter of Nuremberg and editor of the anti-semitic weekly *Der Stürmer*.

Streicher's testimony was embarrassing even to listen to, and at its very beginning was made peculiarly unpleasant by the surprising way in which the witness turned against his own counsel, reading out a crudely worded complaint to the effect that he had been refused the lawyer he wanted and adding that he was dissatisfied with the services of the man now representing him.

Dr. Marx offered on the spot to retire from the case but was urged by the court, which was evidently loath that unnecessary time should be wasted over this testimony, to persevere. Lord Lawrence assured the defendant that he would see to it that he was as fairly treated as anybody else and Streicher thanked him politely.

A few minutes later this choleric witness was up in arms again, spluttering excitedly about what he called the "tendentious manner" of his counsel's questions on the subject of ritual murder. But now the patience of the court was near exhaustion, and Streicher was told that if he could not behave himself he would be sent back to his cell, and his case dealt with in his absence—a threat that was never carried out.

Most of Streicher's evidence was nebulous and ranting, vague both in sentiment and phraseology. When giving an account of his life he would keep on harping on the "inner voice" which made him do this or that, and whenever this inner voice did not seem to meet the occasion it

was always "fate" which brought him to any particular situation or decision. He also gave a rather embarrassing account of the great impression made on him by Hitler at their first meeting in 1921 in which he said that for no less than three hours he had listened to the Leader, and that he had then seen him "bathed in sweat yet beaming with light".

The other prisoners did not like Streicher for many reasons, one of which was the abject servility he managed to couple with crude arrogance. He was the only one of us who addressed the Bench as "*Meinen hohen Herren*" (My noble Sirs).

In his evidence he claimed to have had only one long talk with Hitler which was that which took place at the first encounter between them in 1921. This put rather a strain on our credulity, for many of us had seen him with his famous riding-crop entering the Chancery dozens of times. Others knew how he would push aside anyone who dared to stop him; on one occasion when Hitler's adjutant Brückner, so as to announce him to the Head of the State, asked him the nature of his business Streicher replied: "*Das geht Sie einen Dreck an*" (None of your bloody business). As for the celebrated riding-crop, Streicher never went anywhere without it and he told us on at least one occasion how he had used it to beat up a helpless prisoner in the very prison which was now our habitation.

Streicher was undoubtedly a most unpleasant character; yet we could not but feel indignant when from the witness-stand he described the treatment meted out to him immediately after his arrest. Black soldiers had almost beaten the life out of him and had knocked his teeth out and spat into his mouth.

As the defendant recounted this disgusting tale no one in court interrupted him, nor was his testimony disproved. Much later Mr. Jackson made a statement in which he voiced the court's disapproval of such maltreatment as had

been described by the defendant. If, he said, the court were to take official cognizance of it an official investigation would be required, but as there seemed to be no point in this at the present juncture he would move to expunge the relevant passage from the record. The court accepted Jackson's request and the passage was duly removed from the official record.

Out of the whole of Streicher's diffuse testimony very few facts remained in our memories. He admitted to being an anti-semitic, but claimed to have been opposed to any form of violence. In his "*Gau*" (province)—so he claimed—the Jews could feel more secure than in any other, and he told the Court that he had favoured the methodical emigration of all Jews to an Israeli State which was to be set up in Madagascar. He claimed to have had no knowledge of any mass-killings.

He admitted that the Nuremberg synagogue had been demolished, but said that this had been done merely for architectural reasons. He had considered the synagogue a blot on the landscape and so had ordered it to be removed to provide space for the Planetarium which was to be erected on the site.

Streicher had been a robust orator, tried in a thousand mass-meetings, yet in his cross-examination by the Britisher Griffith-Jones, a lean, well-bred, and highly sophisticated man, this crude demagogue appeared hopelessly inferior. He had no chance in a battle of wits with the calm lawyer who asked him for instance quite casually if it were true that at the demolition of the Nuremberg synagogue he had made a public speech of more than one and a half hours.

"Quite true," said Streicher.

"Did you speak about architecture?"

The way in which this shrewd Englishman ensnared his quarry was almost diabolically clever and fascinating to watch. Most of the time one of the prosecutor's slender

hands would grip the lapel of his coat; then, with a seemingly friendly gesture it would seem to invite the boorish man in the dock to what was almost a friendly chat and all of a sudden, Streicher would find that he had walked into another trap. Quite casually, for instance, Griffith-Jones asked what, if anything, the witness knew about the extermination of the Jews. "Nothing at all," said Streicher, and his interrogator seeming to accept the answer in good faith he would heave a sigh of relief. Then the questioner would begin to show considerable interest in the editorial routine of the "*Sturmer*" office. How exactly did they edit the paper? What about the staff? What about correspondents? What about other sources of news? Surely they must have had substantial archives? Did they take in any foreign papers? Surely they were subscribers to the *Israelitisches Wochenblatt*, published in Switzerland?

"Yes, we were."

"I know you were. You used to quote from it in the *Sturmer* quite frequently, didn't you?"

"Yes, we did."

"Reading that weekly so regularly surely you must have noticed the numerous reports in it about the ever growing numbers of Jews being exterminated? You saw those figures, didn't you?"

"I saw them, but I did not accept them as true."

"Very well, very well."

Griffith-Jones seemed to accept this too at its face value, then, quite casually, he asked if Streicher had at any time suggested that the Jewish problem might be solved by means of murder. "Certainly not," said the accused; all he had ever wanted was that the Jews should emigrate to Madagascar.

At this point the prosecutor started a veritable bombardment, each question hitting Streicher's defence like a cannon-shot. One after another quotations from his own

mouth and pen were fired at him, every one of which was to the effect that when even the last Jew had left Germany the problem would still be far from solution; it could be finally settled only by the destruction of world Jewry.

Streicher tried to whittle down the significance of the term "destruction" and to object that he had never meant to use it in a specifically physical sense. But the cross-examiner was well prepared for that objection and simply proceeded to read on calmly from the very passage that its author had just interrupted. ". . . and then their graves shall tell that this people of murderers and criminals has at long last met its just desert."

And now the accused was confronted with a series of similar quotations from his articles, as well as the reports from one of his own correspondents sent to investigate the Polish ghettos. The extent of his knowledge of these matters was brought home point by point, and his subterfuge and evasions devastatingly refuted by an accumulation of circumstantial evidence which made his guilt clear to everybody in the crowded hall—to everybody except perhaps Streicher himself who did not seem as yet fully aware of what was happening.

I followed this fascinating cross-examination with the greatest attention, it did not require much knowledge of legal technicalities to see that it was the result of precise and careful work of the highest order. When I asked one of the psychologists about it he told me that it was a matter of fact it had been feared that there would be no legal grounds on which to catch Streicher, for he had been relieved of his offices in both State and Party before the outbreak of war. Thus there had been no direct link between him and the subsequent mass-murder of the Jews; and his editorial activities provided the only plank on which the Prosecution could hope to secure a foothold to establish their case against him. A great deal of most efficient teamwork had indeed been required, almost at

the last moment, to secure every shred of available evidence against this man.

He himself, though he was evidently unable to grasp the full strength of the information deployed against him in court, still had no illusions about his ultimate fate. Yet he returned from the box in a state of elation rather than depression. He was indeed more loquacious than ever and seemed quite proud of the number of times he had stood in this very chamber; first in pre-Hitler days when he had been accused of various breaches of the peace; then, after 1933, as the honoured representative of Law, Order and Authority; and now, finally, as a war criminal. This, he said, with more nonchalance than he had ever shown in court, this would be his last trial. He had no doubt but they would hang him.

CHAPTER TWENTY-SIX

Schacht Not To Be Ruffled

AFTER THE sinister evidence produced in Streicher's case the hearing of the former Reichsbank President, Hjalmar Schacht, had almost the air of a light interlude. True enough, Schacht like the rest was facing a serious indictment with his own neck in danger of the noose; but it was evident from the start that this elderly financier was a cool customer unlikely to be caught off his guard. In the event he not only managed to dominate the situation but even contrived to display his caustic sense of humour.

I know that both Schacht and his counsel, Dr. Dix, scorned to draw up any prearranged draft for the examination; they were both far too proud of their intellectual ability to stoop to a set dialogue. The interpreters, who were a bare couple of yards from my seat in the dock, sweated in their efforts to hold their own as the elegant periods of Dix's famous oratory rolled out; his flow was, however, occasionally interrupted by Schacht himself who would put in his oar when he felt there was a point to be scored. A number of people in court were maddened by this way of going on, others enjoyed it.

The beginning of Dix's examination took the form almost of a conversation piece between him and his client in which they first touched on a variety of different topics, indulging as they did so in a little polite pleasantry, and then veered round to a discussion of Schacht's antecedents. His grandparents, we were told, had been Danish; they had emigrated to America but had later returned to Europe and settled in Germany.

As the witness spoke of his travels and foreign connections the broad international background of this man

who had survived Hitler's prisons and concentration camps before being dragged before the Tribunal, became evident to everyone present; and I found it interesting to watch the effect of all this on the faces around me. The Soviet judges who were the nearest members of the Bench to Schacht displayed the poker faces which seemed to be as integral a part of their appearance as their uniforms. The judges of the other three nations raised their eyebrows, but they too said nothing. At the Prosecution tables some of the younger men were smiling. Justice Jackson was the only one who clearly showed disapproval. Then he was on his feet protesting against the manner in which counsel and defendant were indulging in a sort of conversational juggling display. But Dr. Dix was not a man easily at a loss for argument, and he was able to demonstrate the entire relevance of the observations cut short by this interruption. Jackson's first attack was thus repelled; but nothing daunted he came back into the fray, thereby adding to the interest as well as to the length of the proceedings.

As for us in the dock, while we found much to object to in what defendant and counsel were doing yet a good deal of what they said came most harmoniously to ears outraged by many unjustified attacks.

Dr. Dix gave his partner a particularly fine cue when he mentioned Versailles. Schacht now proclaimed his amazement that an American prosecutor, a young naval officer, should have seen fit to reproach him for having been anti-Versailles and "hence" a Nazi from the beginning. The witness observed that no American naval officer, even so young a one, should make such a *gaffe*; he should have been taught in high school, if not before, that the American Government had taken up a similar position. Witness had never himself considered this sufficient ground for supposing the American authorities addicted to National Socialist ideas; and would be much

obliged if he himself might now be accorded the same latitude.

Then Dr. Dix produced the expression "Master Race". The defendant picked it up a little shyly, surveyed it from various angles, and then remarked that he for one had never had much patience with expressions such as the "chosen people", "God's Own Country", "La Grande Nation" nor indeed with "Master Race". There were few people in the hall who were able to suppress a smile at this little sally.

One of the questions put to the witness was why he still continued to provide Hitler with money when he was well aware of his aggressive plans. Schacht's answer was, in effect, that if he had told Hitler that he would not provide him with any more money because he suspected that he intended to go to war, he (Schacht) would not now be having the pleasure of the present exchange with his distinguished counsel and so many other legal gentlemen. On the contrary his contacts would soon have been reduced to a one-sided conversation with the priest who presided over his obsequies.

In this answer, of course, Schacht's seemingly frivolous banter touched on a vital question which we in the dock had been debating for weeks; did not a knowledge of the certain danger threatening entire nations put him who held it under an obligation to risk any sacrifice? Speer and I thought that it did, and that in such circumstances it was a man's duty to try any expedient to stop the disaster even if it had no reasonable prospect of success.

The prosecutors of all four nations stigmatised the Nazi programme as, in itself, criminal. Commenting on this Schacht observed: "I don't agree. And it would have been strange indeed in such circumstances for the world to have kept up relations with Germany for twenty years and with a National Socialist Government for nearly ten."

By a series of well selected questions Dr. Dix gave his

client a number of opportunities to emphasise that courage of which he had given frequent proof during the course of his life. The story was related how Streicher's paper, *Der Stürmer*, had indulged in a vile attack against some provincial Reichsbank manager because he had frequented a Jewish shop. Schacht insisted on an apology and when that was refused by the *Stürmer* had simply closed the branch, giving the insulted official and his staff leave of absence and depriving the entire district of the services of the local offices of the State bank, which had naturally caused quite a rumpus. And this was by no means the only occasion when he had stood up to stupid insults or bureaucratic pressure from the government and the party. Even Dr. Goebbels had found his fingers badly burned when on one occasion he had inveighed against a Reichsbank official over some issue with which, it transpired, the propaganda chief was imperfectly acquainted.

Dealing specifically with banking Schacht explained that he had no friends among the get-rich-quick school of foreign financiers who would not listen to his warnings against rash loans to Germany soon after the first World War. But, he said, he hoped he was respected by the more solid type of banker abroad who liked to do regular business with Germany even if the rate of interest was normal.

Among the relatively minor pieces of evidence preferred by the Prosecution was that on the occasion of his sixtieth birthday the accused had accepted an extremely valuable present from Hitler—a painting by Spitzweg. Schacht did not deny having received the present; but observed that he had immediately recognised it to be a fake and had sent it back to the donor who, incidentally, had failed to respond by producing an authentic example of the artist's work. The only reason he had not mentioned this before was that Heinrich Hoffmann (Hitler's photographer), who had purchased the picture, besought him to treat the matter confidentially.

By a curious coincidence Hoffmann's name came up at the very beginning of the next stage in this witness's testimony; his cross-examination by the Prosecution who submitted to the court masses of carefully selected photographs showing Schacht in Hitler's company. Mr. Jackson's argument was that the witness's expression in these photographs belied his alleged feelings about his Leader. This was not the face of a man resolved on resistance to Nazi domination.

The Prosecution also produced a newsreel showing Hitler's arrival in Berlin after the French campaign of 1940, and in which among all the glittering uniforms the figure of Dr. Schacht complete in frock-coat and stiff, high collar stood out clearly. The argument was that when welcoming Hitler, the Reichsbank president had held his hand longer than was necessary and had given him an unnecessarily beaming smile. So as to impress the court with the culpable nature of the scene the film was projected all over again, and now one could see that Schacht was actually laughing as he spoke to Hitler. When the lights went on again in the court room Schacht was still smiling. It was not a good omen for the Prosecution.

Schacht's cross-examination was conducted at remarkable speed; and it was soon hard to tell who was prosecuting and who defending. In contrast to Goering's case, Jackson had prepared his brief very well indeed but he had a foe worthy of his steel. It was like a fencing match; the thrusts and parries came so fast that it was difficult for the spectator to keep abreast of what was happening. Moreover, they soon got into a linguistic mix-up. Schacht hardly ever waited for the translation of the English question but answered directly in German and then, as the argument became more heated, broke into English himself, thereby throwing the translation machinery into hopeless confusion. Presently he came across an American slang expression with which he was unfamiliar

and politely asked its meaning. There was much laughter in court when Jackson, with a broad grin, said: "There you are! It's not quite so easy to speak proper American."

Materially, Schacht's main point was this: that he could not be deemed responsible for the outbreak of war because he had arranged the finance necessary for a limited degree of rearmament. In its verdict the Tribunal later paid him the compliment of saying that if his advice had been listened to much misery might have been prevented.

At the end of the cross-examination Schacht made a point which caused much amusement. Prosecution and witness had been arguing for some time about the size of the pension Schacht had been drawing when Jackson finally suggested that the matter be dropped as not of the first importance. Schacht protested vigorously; as far as he was concerned, he said, the question was anything but unimportant. He hoped to be enjoying that pension in the near future and for a long time to come. What else, he wanted to know, was he going to live on?

Jackson did not take this very amicably. "Maybe," he said, "it won't cost all that much to support you."

The accused returned to his seat in the dock as cool and unruffled as when he left it; I doubt if his pulse had quickened. Now, so far as he was concerned, the case was over and he did not even concern himself about Dr. Dix's arrangements for the final stages of the trial. His attention had already turned to other matters.

In court the former Reichsbank President wore one of the suits provided by Colonel Andrus, which though they were ironed every day always contrived to look baggy, and of course he was without his famous high collar; yet he never looked like a man who had been in gaol for years. Hjalmar Schacht was not easily ruffled.

CHAPTER TWENTY-SEVEN

Funk And The Bogus Film

THE MAN who succeeded Schacht in the witness-stand had, by a curious irony, succeeded him not so long before in his high office of State.

The contrast between the two was marked. Walter Funk, as he dragged his feet up the few steps to the witness-stand and sank into the forgotten comfort of its cushioned seat, was evidently a sick and very tired man. In a low and pitifully feeble voice he began to give his evidence.

First came an account of his official posts, he had been chief of the German Press, then Under-Secretary in the Ministry of Propaganda, and finally Minister of Economics and President of the Reichsbank. But at all times, even as a member of the Cabinet, he seemed to have been under someone else's thumb, his last superior having been Goering in his capacity of director of the Four-Year-Plan. Nothing could be more significant of his role than the one and only sentence I distinctly remember from his testimony, one spoken in the early part of the hearing. "I always got as far as the door, as it were, but I was never quite allowed in."

Funk was at great pains to clear up the question of a vague "confession" he had made prior to the trial. When first arrested he had been suffering from a nervous breakdown and with the tears streaming down his face had declared that he felt very guilty, without, however, saying what exactly he felt guilty about. Now, in court, he pointed out that he had at that time just come out of hospital and had been in a state of complete physical and mental collapse when interrogated and asked the most complex questions.

We prisoners, as we watched our colleague in the witness-stand, could not but wish that he had a quarter of the backbone and pride which his predecessor there had displayed. But perhaps we did him wrong; for this highly-strung and basically unpolitical man belonged to that impressionable species apt to react to the way they are treated as a sounding-board responds to sound. Besides he was in truth very ill.

Mr. Dodd led the cross-examination, basing it on the assumption that Funk had not been quite such a tool in the hands of others as he wished the court to believe; and that he had in fact nursed an ambition to supplant Goering in the economic field and take over his dictatorial powers. We in the dock could not but smile at this. Then all of a sudden, Dodd changed his tone.

He dropped every sign of harshness from his manner and seemed to become almost genial as he entered into discussion with the defendant about his former collaborators, particularly a certain Puhl who had been a senior director of the Reichsbank. Funk, impressionable and gullible, visibly revived under this treatment; he seemed almost happy in the informal atmosphere of this examination. Puhl? Why, yes, of course: a very sound man. The witness agreed that he had always set great store by old Puhl. A thoroughly trustworthy fellow.

Dodd now dropped the pleasant subject of Puhl and steered the conversation to the subject of the gold reserves of the Reichsbank, the stocks of bullion immediately available at different times and the various fluctuations of the reserve funds. At the end of this thoroughly technical and friendly conversation the prosecutor asked quite casually if the Reichsbank had had any special relations with the S.S.

"None that I can think of," said the bank's last President.

Then the genial Mr. Dodd became a little more

insistent. Would Funk please think again, exert his memory? Funk did so and finally remembered that the S.S. central accounts department did, indeed, maintain a deposit account and a safe in the Reichsbank.

Dodd interrupted with a casual question as to whether it was customary to have gold teeth deposited in the Reichsbank?

"No, it was not customary."

"Well, I will now show you a film taken by the Allies when they first entered premises belonging to the Reichsbank."

Funk was shepherded back to the dock, the lights were extinguished, and we saw projected on the screen before us the horrible pictures of what the Americans found in the strong-room of the Frankfurt offices of the Reichsbank. We saw soldiers enter the building and the big safes swing open. Huge, tightly packed bags with the imprint *Deutsche Reichsbank* dropped to the floor; powerful men needed all their strength to lift them on to tables. Then the seals were solemnly broken and the contents poured out: rings, bracelets, ear-rings, trinkets, jewellery of every conceivable kind from simple brooches to great tiaras. coins, banknotes, studs, sleeve-links, and above all false and gold-capped teeth in their thousands. And in the midst of this fantastic booty in this nightmare of a thieves' kitchen we saw again and again the emblems of the state we had all served and the clear imprint *Deutsche Reichsbank*.

We sat flabbergasted. The lights were switched on and Dodd went back to the rostrum to confirm that this film had been made immediately after the Allied occupation of Frankfurt on Main. Anyone could verify the detail by looking at the official minutes of the meeting of 7th May, 1946.

Funk tottered from the dock to the witness chair. He was completely shattered. He confirmed that he did know about the S.S. safe deposit and clearly remembered

the formalities at its establishment. But, of course, he knew nothing whatever about the contents of the deposit. No bank bothers about the exact articles a client choses to put in the safe he has hired. But what he found entirely inexplicable was the presence of the big bags with the imprint *Deutsche Reichsbank*; bags of this kind were never handed to safe deposit holders.

Then the Prosecution struck again. It produced an affidavit signed by Reichsbank director Puhl, the very man whose reliability Funk had so amply and generously confirmed. This affidavit had evidently been signed after a showing of the film we had just seen.

The text of this document seemed a subject of dispute, the Prosecution's interpretation of it was that Funk, after having accepted the S.S. safe deposit account, had then instructed Puhl not to bother about the contents stored with the bank by that organisation. It was by no means impossible to assume on the strength of Puhl's statement that Funk had known all about the horrible robbery and had acted as a sort of fence.

Moreover the Prosecution now produced further evidence of fantastic dealings, such as an offer by the Reichsbank to the Berlin Municipal pawn-shops for the "most advantageous disposal of a collection of rings, ear-rings, brooches, bracelets, pearls, diamonds, etc." an official document signed in 1942. Yet another paper seemed to indicate that these appalling business-deals were transacted on behalf of the Minister of Finance.

Then the Prosecution struck a third blow. It recalled to the accused his mental breakdown and tearful confession after his arrest a year before and reminded him of the full and detailed confession made by Hoss;¹ then he advised him to search his heart and his conscience.

We all wondered at this stage whether we were about to witness the collapse of the defendant in open court;

¹ See page 105 *et seq.*

there seemed every reason to suppose that we should. But this apparently feeble man, still very ill, and deeply shaken by what seemed overwhelming evidence did not break down. Indeed he seemed to display more firmness than we had yet seen him show in court as he stated in a solemn and subdued voice that he had been ignorant of the contents of the safe-deposit, and that if Puhl had said otherwise he would have to answer for it before God and his own conscience; for it was not true.

Funk's counsel asked for Puhl to be called for cross-examination.

I suppose that in the eyes of the people present in that crowded hall the accused was already a hopelessly beaten man when he made his way back to his seat in the dock. None of us had any idea where a chink might be found in the seemingly flawless evidence the Prosecution had produced. Yet we were all of us quite certain that Funk had spoken the truth. It would have been physically impossible for him to sustain the ordeal of that cross-examination without a clear conscience.

A few days later Puhl took his place on the witness-stand. He appeared as a free man and, when first questioned by the Prosecution, briefly confirmed his affidavit.

Dr. Sauter, Funk's counsel, then proceeded to cross-examine and asked him to elucidate his affidavit. Counsel wanted to know its precise significance.

This produced a considerable surprise. Puhl testified that he had never wished to claim—nor indeed had he in so many words—that the defendant was aware of the contents of the safe deposit. As the lawyer's questions probed into the past circumstances and technical details of the bank's transactions with the S.S. the apparent contradictions in the statements of the two directors began to dissolve and the differences between the present witness and the accused grew less.

Now Mr. Dodd stepped up to the rostrum and wished

to know with whom Puhl had spoken during the last few days.

"To Dr. Kempner."

Dr. Sauter then rose to ask. "Did you speak to me as well?"

"No, I didn't. I see you here today for the first time in my life."

As I returned to the gaol that evening I happened to glance at the door of the cell next to mine. It was No. 31 and had been vacant since Raeder had been moved to the south wing; now it appeared once again to be tenanted. Right over the spy-hole I could see a brand new name-plate. "Puhl."

Puhl was held in the Nuremberg prison for about a year at the end of which time he appeared in the dock at the "Wilhelmstrasse" trial. However, the Allies were not very lucky with this man who, though he looked not unlike Funk, had a great deal more calm tenacity.

At the Wilhelmstrasse trial Puhl got an official of the Frankfurt branch of the Reichsbank to testify on his behalf. This witness declared under oath that at the time of the city's occupation by American troops the strong-room and all the safes of the bank had been completely empty; and were so when he had handed them over to the Occupation Authorities.

The witness was then questioned about the film which, according to Mr. Dodd's statement had been made immediately after the occupation of Frankfurt. To this he answered that he knew all about it because he had been personally present during its production. A few days after the occupation some U.S. lorries had pulled up at the door of the branch and the manager requested to hand over Reichsbank bags which were then filled with gold teeth, jewellery, etc., taken from the lorries and put in the empty safes. After these safes had been filled cameramen appeared and made a film of their contents.

CHAPTER TWENTY-EIGHT

Doenitz Is Torpedoed

AFTER THE conclusion of these two last hearings, much of which had been devoted to economics and banking methods, there was a noticeable change in the appearance of the court. Many new faces appeared both at the Prosecution tables and in the spectators' galleries. Most conspicuous among the newcomers were the Allied naval officers, many of whom remained in constant attendance for as long as the *Kriegsmarine* (German Navy) was under discussion. The two admirals among the accused were now to be examined.

For the Defence the most prominent figure at that stage of the trial was, without a doubt, the former naval Judge-Advocate, Dr Kranzbuhler, who had been briefed as counsel for Doenitz and who also dealt with certain points of a technical nature in Raeder's case. Kranzbuhler wore naval uniform, being indeed the only man in German uniform in the whole hall and was of medium size and dark haired. Largely because of his great self-control there was something very imposing about him, he spoke in short, clipped, precise sentences and nothing seemed able to ruffle his calm. As an experienced naval officer with the technicalities of his profession at his fingertips he was often in a stronger position than his civilian colleagues when it came to dealing with the often comparatively complicated subject matter of the cases against the two distinguished sailors.

Doenitz had unbounded confidence in him and was convinced that he would succeed in clearing him of every dishonourable charge. When the Admiral spoke to us of these hopes, he was still anticipating that his

examination would be confined to questions of principle and had little idea of the tenacity his prosecutors, particularly the British and Americans, would display in their efforts to convict him. In fact, the cases against Doenitz and Raeder were the most closely fought legal battles of the entire trial; the idea being to brand the German Navy as a criminal organisation by the incrimination of its two last Grand Admirals.

Dr. Kranzbühler opened his case by producing a quantity of documentary material obviously compiled with the utmost care; but he was interrupted by a steady stream of objections from the Prosecution. The Defence was not even able to present its evidence according to subject matter. Papers had to be submitted in a particular order: first those unconditionally accepted by the Prosecution, then those accepted only with certain provisos, and finally those which the Prosecution asked the court to reject absolutely—the admissibility of the last two categories being subject to the Bench's decision.

Having watched the Prosecution submit their documents without any limitation we had now to watch the Defence apparently hampered with regard to material whose contents was not made known to us in open court. Naturally, we considered this detrimental to our cause; but it must now, in fairness, be added that after a time we began to see a sound reason for this procedure. Kranzbühler, however, had to be content to leave out a number of preliminary skirmishes before coming face to face with the main points of the indictment against his client.

The most serious accusation was based on the last Supreme Naval Commander's alleged instructions about the killing of survivors from sunken ships. No one had ever seen such an order but it was said that it had been transmitted orally, though some sixty German U-boat commanders in British P.O.W. camps had all sworn that they knew nothing about it. One instance of a German

U-boat shooting down shipwrecked men could be substantiated, but it was the only such case in the entire German naval war-record. The guilty commander, Eck, had been sentenced to death by a British court-martial and one of his witnesses, Heisig (unaware that Eck's death sentence had already been carried out) had testified that there had been some sort of ambiguous order from naval headquarters. This was the point which had now to be clarified at Nuremberg.

It goes without saying that every one of the possibly relevant instructions—and they were all available—was meticulously probed by the Prosecution: none of them showed that the commissioning of survivors had ever been ordered or even so much as desired. Nor could this be disproved by the evidence of *Korvettenkapitan* Mohl, who thought he had discovered some ambiguity in them.

Although there was some evidence to show that German shipwrecked sailors had been shot at by the enemy in both the North Sea and the Mediterranean, Dr. Kranzbuhler refrained from making this a point in his defence; he merely explained the theory and practice of saving, or failing to save, the crews of destroyed vessels in modern sea-warfare. He pointed out the vital difference between an inevitable necessity of leaving them to their fate and deliberate attempts to kill them, which were in all circumstances criminal acts. From the answers of the accused and other witnesses and by means of war-diaries, affidavits, and other documents Kranzbuhler carefully established the real facts of the situation which were as follows:

In May, 1942, Hitler complained to both Raeder and Doenitz that, by and large, the sinking of enemy ships was causing damage only to stores and armaments: the enemy himself, the seaman, was simply transferred to another ship. Why not therefore destroy the crews in their life-boats? Doenitz explained that this was out of the question;

to do so would be to violate international law and the ethics of warfare. There were plenty of legitimate means of increasing enemy casualties, such as those adopted in air warfare, but to fight the crew of a ship once it was sunk must be considered quite impossible; and from this standpoint Doenitz never budged during the entire course of hostilities.

Failure to save men from torpedoed ships was of course an entirely different problem, though Dr. Kranzbuhler described how in the early days of the war our U-boats would provide surviving crews with food and drinking water; even towing lifeboats and rafts towards the coast and generally looking after their shipwrecked enemies as well as they were able.

Basing his account on a number of war-diaries, counsel went on to describe the increase in German submarine losses which were trebled by the advent of radar, showing that it was only when things had reached this pitch that new orders were issued giving the security of the submarine priority over a Christian duty to save life. At that time commanders were told in so many words that they must look to their U-boats rather than the safety of enemy lifeboats.

Here Lord Lawrence interposed to ask what the orders were when the torpedoed ship happened to have no lifeboats. Kranzbuhler answered that such a contingency did not have to be taken into account, since every ship was bound to be provided with lifeboats or rafts or both.

Even so, the evidence showed that modern sea-warfare inevitably produces unusual situations which call for unusual decisions. One such event, the sinking of the *Lanconia*, a British ship armed with fourteen guns, was described by counsel at some length. This ship was actually going down when the crew of the U-boat noticed that there were an uncommonly large number of men

aboard her; British soldiers and Italian prisoners. Forthwith all German U-boats within less than two days sailing time were ordered to the spot and a call for help radioed to every ship in the vicinity, the German submarine commanders giving an undertaking not to attack any enemy ships coming to the rescue provided, of course, that this cease fire was reciprocated and the U-boats not attacked while on their mission of mercy. By this spontaneous action our Navy helped to save 800 out of the 811 British on board and 450 out of the 1850 Italians, but two of the U-boats engaged in the work were attacked by American bombers. The reason for the new order issued after this experience of ill-rewarded chivalry. "Don't save—be hard!" must, said counsel, be sufficiently obvious to everyone. And to show that such grim measures of necessity were not restricted to the German Navy he produced the original text of a British order by which no British merchant ship was permitted to risk its own safety in an attempt to succour a torpedoed sister.

Another count in Doenitz's indictment was his alleged complicity in starting an aggressive war. Here his counsel counter-attacked by quoting a passage from a speech made by President Roosevelt on 1st September, 1941: "Hitler must attempt to destroy our patrols at sea and in the air," was what the American President had said twelve weeks before the outbreak of war between Germany and America. Rader's counsel, Dr. Siemers was to supplement that statement when, a few days later, he produced documentary proof that the intention of the Japanese to attack was known in the U.S.A. before the Supreme Commander of the German Navy was aware of it. This knowledge had been publicly admitted by the former Chief of Staff, General Marshall, while the German military and naval commands had evidently had no such timely information about the forthcoming war in the Far East.

When the German Admiral Wagner appeared as a witness he described how in 1939 at the beginning of the war, the German Naval Command had had to improvise orders because there were no preparations made for a war against Great Britain. Such a contingency, as Raeder was to testify later, was indeed not even under theoretical review; so emphatic had been Hitler's assurance to his admirals that there would be no war with England that its possibility had never been taken into account in planning normal manoeuvres.

A dangerous point in Doenitz's prosecution was the order given in the later stages of the war for increased ruthlessness at sea. Here again it was mainly the British and American members of the Prosecution who, it seemed, could not forgive the German Navy for having sunk their ships without warning. But Kranzbühler had the evidence of war diaries to show how meticulously the Germans had at first complied with the 1936 London Protocol, and how it was only when enemy merchant ships were armed and after one of them had actually received public praise for having successfully fought a U-boat, that the German Command considered the London agreement to have been broken by the Allies, and had begun to conduct sea-warfare ruthlessly, sinking ships without warning. Moreover counsel produced a British order, dated 8th May, 1940, instructing British submarines in the Skagerak that by day all German ships were to be sunk, by night *all* ships.

In the Doenitz case there was very little mention of the famous "Commando Order" which formed so important a plank in the general indictment of the war criminals. Dr. Laternser (counsel for the German High Command) asked Admiral Wagner if our side had, like the Allies, organised sabotage raids. Forthwith he was interrupted by the President of the Tribunal who wished to know to what relevant issue counsel was leading up; Laternser's

answer was that he wished to lead to his next question: "How were German sabotage troops treated when captured by the enemy?"

This brought an intervention from Lord Lawrence, who ruled that such a question was out of order. Surely Dr. Latenser did not wish to imply that the German victimisation of Allied Commandos were merely organised by way of reprisal? And he went on to say that it was not for the Tribunal to find out if other Powers had committed war crimes and crimes against humanity, but to find out if in fact the defendants had done so.

After the end of that session Goering said to me: "We should be grateful to the President for having put matters so clearly. Of course they have to find out about the crimes of the accused sitting in the dock, not about other people's. That is the way of every court in the world. But it's also usual to consider the actions of third parties, particularly if those actions provoked the behaviour which is the subject of part of the indictment; and especially if they were committed by the very people who are now the prosecutors."

We considered it regrettable that Admiral Wagner was given no opportunity to say something about the treatment meted out to German sabotage troops in enemy captivity. I think he was the first who dared justify in court the reasons for our much maligned Commando Order, even though he disapproved of the manner in which it was carried out. When sharply cross-examined by Colonel Phillimore, Wagner called the Allied troops whom the German soldiers had had to cope with behind the front "criminal elements". They had, he said, been ordered to kill any prisoners they made and did so. The witness also mentioned the precise circumstances in which the German order about commandos was first carried out; there had been an unsuccessful attempt to sabotage the German battleship *Tirpitz* and among those involved in

the raid was a British sailor. When captured he was in mufti and carried knuckledusters as well as pistols concealed in his armpits; he was shot.

As Wagner gave his testimony about these matters a heated argument arose between prosecutor and witness. For a long time they talked at cross-purposes, until it appeared that the very passage concerning the *Tirpitz* raid and showing the motive for the execution of the sailor was missing from the English translation of the relevant document (G.B. 164).

Incidentally the commandos who took part in a second (and successful) attempt to sabotage the *Tirpitz* were accorded every privilege of prisoners of war; they had worn uniform and behaved like soldiers and hence their raid was considered a proper military action.

Kranzbühler was adept in the use of enemy documents, though he made it quite clear from the start that it was not his intention to discredit Allied fighting methods; he merely wanted to illustrate the realities of sea-warfare. That he succeeded in doing so was largely due to the vital support given in his case by an affidavit signed by the U.S. Admiral Nimitz. This statement made no bones about the fact that in the circumstances of modern sea-warfare the American Navy had to resort to similar measures to those taken by our own ships. We in the dock, at any rate, were glad to hear Doenitz claim: "I kept the Navy decent and clean down to every nook and corner."

When the Admiral was questioned by counsel for other defendants—a procedure customary before the Prosecution's cross-examination started—an amusing little story cropped up during the discussion of these grim problems. One of the big ocean-going U-boats leaving for a long and dangerous mission had no sooner passed the last German coast patrol than a civilian, grimy with oil, crept out of a hidden corner somewhere among the torpedoes. At the same moment a radio message was received from

headquarters; the U-boat was to return at once bringing back its stowaway. The fugitive implored to be taken along as a stoker, machine-hand, or in any capacity however humble, but orders are orders and cursing freely, the commander had to turn back his ship. The signal had come from none other than Hitler personally; the stowaway was Sauckel, Gauleiter and Minister of Labour, who had simply become fed up with sitting in an office. He had been a naval rating in the first World War and wanted to get back to sea and take his share in the fighting.

To us, Sir David Maxwell-Fyfe's cross-examination of Doenitz did not seem to produce any tangible gain for the Prosecution; yet it was this cross-examination alone that provided the grounds for the subsequent verdict in which the Tribunal stressed the fact that their finding was not based on the defendant's conduct of U-boat warfare.

On what, then, was it based? The reason the Naval Admiral was sent to gaol was that he had been caught in three snares which, because they seemed to have nothing whatever to do with his own responsibilities, most of us had hardly noticed. He was found guilty on counts 2 and 3 of the indictment because of his knowledge of the Commando Order (which did not specifically apply to sea-warfare); because he knew that the inmates of certain concentration camps had been employed on shipyards (which were not under his jurisdiction); and finally because of his advice to the government not to quit the Geneva Convention but rather "to keep up appearances while carrying out the necessary measures".

These were the rocks on which the Defence came to grief, in spite of its expert knowledge, forensic acuteness, and political tact.

I suspect that after giving his own evidence and hearing that of his witnesses the Admiral himself expected anything rather than a verdict of guilty.

CHAPTER TWENTY-NINE

Raeder Resigns

DOENITZ'S BRILLIANT defence put the Prosecution on their metal so that when the closely related case of his successor in the witness-stand, Grand Admiral Raeder, came up, the new defendant found himself in a particularly difficult position. There were, too, a few technical shortcomings in the presentation of the case. For one thing, Dr. Siemers evidently underrated his client, whom he fed with questions calculated to produce specific answers in a way which was quite unnecessary, for Raeder knew very well what he had to say, and which irritated the Tribunal. Yet it must be acknowledged that as the hearing progressed even we, his fellow-prisoners, watched the Admiral's mental agility with growing astonishment.

What Raeder had to say had a significance which extended far beyond specifically naval affairs, for he was one of the few surviving witnesses who had attended certain of Hitler's conferences and could provide first-hand evidence about the so-called "key-documents". These key documents may, at this point, be worth a glance.

The first of them was a record made by Hitler's personal adjutant, Lt.-Col. Hossbach, of statements made on 5th November, 1937, by the Leader to his three Supreme Service Chiefs and various Ministers. This document (U.S. 25) was one of the main planks of the entire trial; on it, above all, was based the thesis of the Crime against Peace.

According to Hossbach's record what Hitler said at that top-secret conference was roughly as follows: 'The German nation needs living space. To widen one's living space means breaking down the resistance around one. Every

aggressor has to contend with a possessor; the problem can only be solved by force of arms. At the latest this question of German living space will have to be tackled some time between 1943-45. When it comes to taking war-like measures Germany's first objective must be the subjugation of Czechoslovakia and Austria, so as to secure her flanks in the event of its being necessary to attack in the west. The assimilation of these two countries will mean better frontiers, military forces which would otherwise be tied down on guard duties can be freed for other purposes while twelve new divisions can be recruited from them.

So much for the Hossbach document. Words—provided they were true—could scarcely provide clearer evidence of the intention to provoke a war; and certainly Neurath who attended that conference was sufficiently impressed by what was said at it to decide it was time for him to retire. But Raeder as well as Goering (who of course also attended) cast doubts on the precision of Hossbach's minutes. All they could say from memory was that they had not taken Hitler's sabre-rattling very seriously and had judged it rather a reminder to intensify military training, which at that time was very lax, than anything else. Moreover, when at the end of the conference von Fritsch had said that he had better drop his plans for a trip to Egypt, Hitler had answered: "Don't let me spoil your holiday. We aren't in quite such a hurry as that." Both Goering and Raeder claimed that this little incident had removed whatever qualms they might still have had. Hitler was not given to understatement and they were accustomed to hear strong words from him when he had once made up his mind to pursue some specific aim.

The Tribunal later came to the conclusion that if any of those present at that conference in November, 1937, still had any doubts about whether Hitler meant what he had said, those doubts should have been resolved by

March, 1939, after which they could have no reason to question their Leader's irrevocable intention to make war.

The second key document, which also concerned Raeder closely, consisted of the minutes of yet another of Hitler's adjutants, Lt.-Col. Schmudt. These minutes recorded a secret address made by Hitler to his closest collaborators on 23rd May, 1939 (L. 79), and were alleged to contain certain details of plans vaguely outlined in the Hossbach document. The gist of the Leader's statement on that occasion was said to be this: Poland must be attacked on the next suitable opportunity. More than merely Danzig is at stake; what matters is a widening of our living space. War is now inevitable and the first object must be to isolate Poland.

From these words the Tribunal subsequently concluded that Hitler was well aware that Britain and France might enter the fray in support of Poland; while Raeder—here again agreeing with Goering—held a rather different view. In his evidence he stated that the actual reason for the conference was missing from the record before the court. Its purpose had in fact been the establishment of a small study-group of the Supreme Army Command, which was to function independently of the General Staff and provide unbiased assessments of military problems.

Most important of all was Raeder's evidence on the third key document (U.S. 29). This piece of evidence, which consisted simply of a few notes unsigned and devoid of any indication of authorship, was supposed to be a summary of a speech made by Hitler on 22nd August, 1939, and said to have lasted two and a half hours. It took up exactly four and a half pages of typescript. But this much-argued document contained the one sentence more quoted by the Prosecution than any other: "Now I've got Poland where I want her . . . my only fear is that some *Schweinehund* will make one of those last-minute-attempts to bring about some compromise."

Even, it seemed to us, more fishy than this summary, was document U.S. 30 which was invariably coupled with it. This too was without a signature, and was said to be a summary of a second confidential speech made by the Leader on the same day. In it was another passage which the Prosecution was fond of quoting: "I'll find some propagandist motive or other for starting the war. I don't care whether it sounds plausible or not. At the end of a victorious war no one will bother to ask us if we have always been strictly truthful."

All the witnesses called on this point emphatically denied that Hitler had made more than one speech on 22nd August, 1939, and Siemens submitted a precise and very full record of what was obviously the only speech Hitler did in fact make on that date. This record consisted of minutes dictated by Admiral Bohm, who had attended the conference, immediately after it was closed. Raeder's counsel suggested that the two anonymous documents should be struck off the record and Bohm's summary, whose authenticity was beyond doubt, substituted. The Tribunal accepted the summary and duly listed it as Exhibit No. 27; but the objection to the dubious documents was overruled and they were repeatedly quoted throughout the trial. They were far too useful to the Prosecution to be dropped.

As for Raeder the whole question of the key documents put him in grave danger, for since he happened to have attended the conferences with which they were concerned he could well be accused of having known all about Hitler's aggressive plans.

With, I think, understandable interest, I listened to the explanation given by the Admiral about the case of the *Athenia*, with which I happened myself to have been involved. The *Athenia*, an unarmed British passenger liner, was torpedoed en route to America on the very first day of the war with Britain. The British reported that the boat

had been torpedoed by a German U-boat to which the German answer was a sharp official denial, and the conflicting views of the two countries led to a heated and world-wide discussion in which I represented my government. I acted in perfectly good faith in the matter and went to great lengths in considering all the conceivable causes of the catastrophe.

Now Raeder, under oath, declared that when he first learnt of the loss of the *Athenia* he had been convinced that no German U-boat could have possibly sunk her, but more than three weeks later when the U-30 returned to port he learned the real cause of the disaster. Raeder reported the facts to Hitler who ordered that they were to be kept secret. The commander of the U-boat was court-martialled and acquitted; it appeared that the *Athenia* by dimming her lights and steering a zig-zag course had drawn on herself the suspicion that she was a troop-transport or auxiliary cruiser. Passenger liners were supposed to keep a straight course and show all lights, and had the captain of the *Athenia* adhered to these international regulations he would have been quite safe from attack at that stage of the war. So as to safeguard the secrecy of the affair the log-book was faked, in that the relevant passage was left out of the multigraphed version, though the original log remained unchanged.

In the entire history of the German Navy there is only one similar case of faking, an event described by Admiral Godt when he appeared as a witness. A German blockade-runner, having safely dodged all the dangers of her long homeward trek from Japan was inadvertently sunk by German warships within a few miles of her home port, it was a tragic accident, and it was considered inopportune to publish the facts. In that case too the original record remained unchanged, but in the multigraphed version the relevant passage was omitted.

Vitaly important for Raeder was the question whether

the occupation of Norway in the spring of 1940 should be considered an act of aggression or of defence. Just as Goering had been made even more responsible than Hitler for the *Anschluss* with Austria, so now the indictment considered Raeder rather than his Leader as the responsible originator of the Norway invasion.

The defence was based on a summary of the preparations that had been in hand for an Allied landing. Raeder claimed that the Germans had anticipated a British invasion only by a matter of hours, and to gain his point quoted the report of the Scandinavian Commission of the Interallied Military Council of 11th March, 1940, which stated that the first British transport to land at Narvik was to leave port on J.I. J.I was originally to have been 5th April though the date was later thrice postponed by twenty-four hours.

As a matter of fact the German Government was at that time firmly convinced of Britain's intention to occupy Norway—so firmly that their original plan to use the Union Jack as cover for the first wave of German assault troops was dropped, since it was thought that with British landings so imminent there was danger of our ships being unable to distinguish friend and foe in the turmoil of simultaneous operations. Incidentally soon after the end of the Nuremberg Trial the publication of certain neutral documents provided further proof that the Allies were on the point of invading Norway at the time of the German attack.

Such an intention however was emphatically denied by the Prosecution at Nuremberg. The Bench was more cautious, allowing the possibility of Allied plans to invade but stressing that this possibility could not have been reasonably anticipated as early as 3rd October, 1939, when Raeder first ordered an investigation of the facilities offered by the Norwegian coast for U-boat bases. Hence the Admiral was guilty of having plotted aggressive war.

Moreover it was held that even four weeks before the actual German invasion the possibility of the alleged Allied plans could not have been considered by the German High Command, for on 13th March, 1940, Jodl had made the following entry in his diary: "The Leader will not yet order 'W' (standing for '*Weserübung*', the codeword for the assault on Norway). He is still looking for an excuse." Furthermore it was argued that no Allied invasion of Denmark had been contemplated, indeed it had never even been suggested in Germany that such a plan existed, yet the Germans had occupied Denmark.

Raeder had no illusions about the hopelessness of his position, but he defended himself with surprising tenacity. His argument was that it had been part of his duties to acquaint his Supreme Commander with the strategic consequences which would arise from the war spreading in this direction or that; and the carrying out of these responsibilities had been his only share in Hitler's attack on Norway.

The cross-examination which was led by Sir David Maxwell-Fyfe was both sharp and spirited: it was the first time in the trial that this shrewd and eloquent Briton really showed his claws. "For twenty years you have been practising cold-blooded and premeditated fraud in evading your contractual obligations," was one of the comments thrown at the defendant quite early in the proceedings and it was followed by a list of breaches by the German Navy of various clauses in the Treaty of Versailles. Most of these examples were quite petty, as for instance the business of the saluting batteries at Friedrichsort on the approaches to Kiel Bay where a battery which according to Versailles should have consisted of two incapacitated 7.7 field guns had mounted in point of fact two effective 8.8 anti-aircraft guns. Another breach was (quite correctly) construed from the fact that certain

naval guns, permissible in the North Sea, were kept in the Baltic under pretext of repairs.

Raeder admitted all this but added that the Allied Control Commission in the twenties and early thirties had shown considerable indulgence to such cases. And he asked the Tribunal not to forget, when considering these very minor points, that the German Navy had reached nothing like the maximum strength permitted by the treaty, having had three battleships and six cruisers instead of the eight vessels allowed in each class and only twelve destroyers instead of thirty-two.

The grim duel fought so bitterly by Sir David and Admiral Raeder and its ludicrous moments in which it invariably appeared—usually too late—that a misunderstanding had arisen because some relevant part of a document had been missing from the English translation. So long as the prosecutor attacked him on important issues Raeder put up a good defence; but when it came to haggling about single guns and other small matters his irritation and fatigue became noticeable.

The unpleasant atmosphere produced by the final stage of Raeder's cross-examination could still be felt in court when the former Prussian Minister of the Interior, Severing, took the witness-stand. Severing, an elderly man, had been famous as a politician and parliamentarian, and he seemed disposed to answer all the numerous questions put to him as thoroughly as he knew how; but the very way he sat down seemed somehow to irritate the court, which had had a particularly tiring day, and when he proceeded to quote Goethe at length, its patience seemed exhausted; after some observation which bordered on the impolite the witness was dismissed at the end of a comparatively brief hearing.

Yet the evidence of this former Social Democrat Minister was by no means without significance; it left no doubt that the Weimar Republic had been well aware of

Raeder's breaches of the Versailles Treaty. One of the British prosecutors, Major Elwyn Jones asked the witness a few questions about the war-guilt problem, reminding him of the pre-1933 Social Democrat slogan "Hitler means War". Counsel wanted it confirmed that German Social Democrats, even in those early days knew of Hitler's intention to go to war once he had assumed power.

Severing answered: "I cannot say if knowledge and conviction is one and the same thing. All I can say is that I and my friends were convinced of it."

I was personally deeply impressed by the honesty and the strength of character of a man who, for the sake of truth, deliberately allowed to slip such a unique chance for party propaganda. Raeder too was delighted with the straightforward answers given by this witness even though, when he considered it right, Severing was quite prepared to attack other defendants—for instance Schacht.

Nevertheless the Admiral knew well enough that neither this nor the other favourable evidence would greatly help him. He had no illusions about having to face a sentence, all he hoped for was death rather than imprisonment.

CHAPTER THIRTY

Sauckel Hopelessly Adrift

A SMALLISH, bald and somewhat shrivelled man shyly glanced around the big hall on his way to the witness-stand. It was Fritz Sauckel, ex-Minister of Labour, whom his indictment described as a ruthless slave-driver, he certainly did not look the part.

There had been numerous instances of the maltreatment of foreign labour, but some of the evidence on the matter seemed exaggerated, and moreover it had all been lumped together with that dealing with extermination of Jews and concentration camp atrocities. Thus we had not as yet paid over much attention to the question; but now for a while the court was to hear of little else. To Sauckel indeed the central theme of the trial was this alleged treatment of foreign workers in war-time Germany.

Whenever Sauckel spoke to his fellow-prisoners about the way his good intentions were given the lie, by the evidence presented in court, a touch of madness would appear in his glance. He was obviously utterly confused, and we had grave doubts about his ability to put up a proper and factual defence.

He started surprisingly well, his unassuming description of his career producing, it seemed, a reasonably favourable impression. He was a self-made man. His mother had been a seamstress who had pinched and saved her pennies to send the boy to grammar school, but after five years she had no longer been able to support him and at the age of fifteen he had gone to sea. He served as a sailor in the first World War, but was taken prisoner after a short time; on his release he had become a humble working man using some of his small savings on night-school

classes. He had married, his wife (who bore him ten children) being the daughter of an old trade-unionist and active Social Democrat; but Sauckel had joined the Nazi movement as early as 1923. He had risen slowly in the party hierarchy and in due time he had become a Reichstag deputy, Gauleiter of his native province, Thuringia, and finally a Minister.

On 21st March, 1942, Hitler entrusted this man with a great task. He was to find replacements for the two million workers who had just been called to arms, for their work benches stood empty and the war demanded ever-increasing production. This assignment lifted Sauckel high above most of the three dozen other Gauleiters and finally landed him in the dock at Nuremberg.

The instructions for this new office were clear enough by all available means he had to comb out the needed workers from the non-German countries which were now surrounded with Germany by one almost unending front-line. On that besieged island, stretching from the Black Sea to Biscay, the only valid law must be this: Whoever wants to eat from our scanty rations must do his share of work for our defence. The defendant never in fact enunciated this principle in so many words; yet in everything he said were implied the questions: Could anything in modern total war be more natural than this system? Did not the enemy do just the same? Was he not indeed still doing it by hiring out German war-prisoners to the poorer Allies? And what else in fact were these Germans but "slave labour"?

Sauckel's orders were simply to get the labour Germany needed. No one ever asked whether this was permissible in International Law nor was he consulted when the German Foreign Ministry arranged with her allies and the occupied countries to supply various quotas of workers. Sauckel's problem, as he saw it, was not to argue but to get hold of men by hook or by crook.

As a matter of fact a great deal of evidence was submitted to show that he could not have afforded to be over-careful about the means he employed. Yet however little he may have bothered about the legal aspects of the matter, he was sincerely concerned to see that the masses of imported foreign workers were decently treated—though admittedly in practice this was not always the case.

The actual recruiting was carried out under Sauckel's general instructions by authorities in the country concerned, by the administrators of occupied territories, by the police, and sometimes by the army. As soon as the foreigners arrived at their various destinations in Germany they came under the management of the factory concerned, the government having merely to see that the regulations about working time, housing, food, and so on were observed. Sauckel's own office was primarily a sort of clearing house by which this labour force was canalised into different industries and to agriculture.

At Nuremberg Sauckel had to defend himself against the suggestion that all this drafting and manipulation of foreign labour was mere slave-driving, and he was held responsible for the individual acts of cruelty perpetrated on these millions of labourers.

Counsel for the Defence was Dr. Servatius, a highly competent lawyer who spoke all the four languages of the Tribunal fluently. He had taken great care to get together all the relevant instructions dealing with the recruitment, transportation, housing, feeding and wages of these foreign workers and submitted much documentary evidence to show that the majority of these millions had reasonably good treatment while under our charge.

But at the time of the trial such records had little meaning. To produce statistics of wages, working hours and calories, was simply not an adequate defence; for those were the days when every foreigner who had worked in Germany was intent on claiming that he had been forced

to do so and had been treated very badly. The alternative might well be an accusation of collaboration and the deprivation of all those advantages enjoyed by a "displaced person". Thus the millions of uprooted men, women and children who roamed Germany at that time were in a sense backing Sauckel's indictment; not one of them was actually visible in court, yet the weight of their presence all over the country was unanswerable. And here his counsel's documents could not help the accused: to defend himself he must clarify this complex and make out his own case for himself. But Sauckel lacked the character to cope with such a task; and instead of making things simpler became more and more confused himself. Yet, even so, he disproved the suggestion that he had been instrumental in a deliberate attempt to decimate the Slav and Latin races—after all he had wanted workers not corpses—and explained how he had successfully opposed a scheme of Himmler's to put all his foreign workers into camps, and seen to it that they had their own religious services as well as cinemas, clubs, newspapers and facilities for recreation. He showed that German workers had complained that the foreigners were better off than themselves and explained how millions of imported workers had served their contractual time and gone home to be relieved by fresh millions. Many of these people had become perfectly acclimatised to Germany and most of them, when the air raids got worse, had done their best in the fire-fighting and rescue work.

But under cross-examination Sauckel proved a complete failure, though he tried hard to defend himself against the Frenchman Herzog, the Russians Rudenko and Alexandrov, and the Americans Dodd and Biddle. Judge Biddle tried very patiently to sort out a number of technical and administrative details but the witness generally missed the point of his question and answered at cross purposes. When confronted with an unjust charge he seemed to lack both

the brains and the concentration to trace back events to their real cause; and would simply protest against the accusation instead of facing it and setting himself to disprove it. His final argument in each case was usually that he himself was only a humble working man.

Yet there was certain evidence to show that he had not behaved quite so humbly while in office; one of his instructions was date-lined pompously: "Given in an aeroplane, over Russia. . . ."

Sauckel was far from successful in explaining the limitations of his former powers. Actually the assignment Hitler gave him came within the frame-work of the Four-Year-Plan, which was under Goering, while two departments of the Labour Ministry were not directly under Sauckel but merely "at his disposal". In many other ways he was subject to decisions by the Foreign Ministry, by Lammers (in Hitler's Chancellery), by Bormann, by the Ministry of Transport, as well as by the Army High Command and Dr. Ley's Labour Front. It was indeed extremely difficult—and by no means for *this* defendant only—to explain before the Tribunal the extraordinarily complex overlapping of powers both in the Nazi party hierarchy and in the government administration. Anybody not intimately versed in these complexities could easily assume that some high-sounding title implied more actual powers and responsibilities than was in fact the case.

Hence it was understandable that the court never dropped the prejudiced notion of Sauckel's responsibility for all the cruelties perpetrated against foreign labourers and land workers, some of which were admittedly very grave indeed. There was evidence of men having been literally kidnapped in the streets, in cinemas and even in church; such conditions being particularly bad in the east. And there was disturbing testimony of maltreatment in the movement of foreign labourers to Germany, many

having died in transit, while the evidence of the inhuman punishments inflicted on foreigners for alleged inefficiency or laziness was no less grim.

Sauckel's case was of course hopeless from the start, and though it was not improved by his confused answers to cross-examination, yet even if he had been able to clarify the issues far better than he did he would still have been found guilty on the strength of one single instruction (U.S. 168), repeatedly quoted by the Prosecution. Dated 20th April, 1943, it ran: "All these people are to be fed, housed and treated in such a way as to produce the utmost efficiency at the least possible cost." In the view of the court this constituted proof of cold-blooded exploitation.

After his hearing Sauckel was quiet and depressed though he tried hard not to show it too much. He was simply unable to understand that he, brought up as a humble working man, should now be called a slave-driver; and up to the last he collected every scrap of news he could get hold of about forced labour in other parts of the world. When one caught his glance it revealed abject fear; but this fear was not rooted in cowardice but in his knowledge of his own helplessness. The former *Reichsbeauftragte für den Arbeitseinsatz*, the man who had achieved the seemingly impossible and again and again filled Germany's empty work-benches, could not cope with the task he faced at Nuremberg. Though the court, and indeed public opinion all over the world, condemned his work as fundamentally criminal he might at least have tried to show the decency and sincerity of his motives.

CHAPTER THIRTY-ONE

Schirach's Confession

THE HEARING of Baldur von Schirach started badly. The former Reich Youth-Leader and last Gauleiter of Vienna was undoubtedly a cultivated and well-educated man, but he gave the impression of being a highbrow romantic rather than a practical politician, and in spite of his knowledge of Anglo-Saxon psychology seemed to have no inkling of the right tactics to pursue when confronted with the Tribunal's methods of procedure. Schirach spoke fluent English, knew a good deal about Anglo-American literature, and had to his credit an ancestor who had played a part in American history; moreover, he had maintained better contacts with the Americans while in prison than any of us. Yet when his turn came to give evidence in his own defence he at first completely failed either to excite sympathy or even make the Tribunal pay attention to what he wished to say.

It was exactly what I had feared. I knew of the extensive preparations he had made for his defence and that he intended to give the court a comprehensive review of the spiritual and emotional condition of German Youth after the first World War. I knew that he meant to tell us all he knew about the yearning and cultural frustration of the young people of his country in the last years of the Empire and of their uncertainty and unhappiness under the Weimar regime of party politics. To give a long-winded account of this kind in the icecold atmosphere of the Tribunal required not only considerable *résumé* but courage. Much of what Schirach so eagerly expounded was very close to notions and doctrines which, even now, are recognised as beneficent and necessary to the progress of

mankind; but what the poor man overlooked was the distinction his hearers were bound to draw between such ideas in the abstract and their application in a particular political system. I had advised Schirach either to keep his historical survey as short as possible or else, better still, cut it out altogether and link the essential points from it with those passages in the indictment which claimed that there was an evil streak in every German; but he was not to be dissuaded from his urge to explain at great length all the sociological, spiritual and emotional factors which had played their part in the story of how he led Young Germany to Hitler.

Of course it just wouldn't do. And unfortunately when to the long-winded and somewhat pretentious diction of the defendant there was added that of his counsel, who had also a most unhappy tendency to be prolix, the Bench was soon goaded beyond its patience. Thrice in the course of the first hearing Lord Lawrence interrupted Schirach or his lawyer to ask them to stick to the point; and finally he threatened to put a stop to the hearing altogether. Thus Schirach succeeded in producing only an infinitesimal fraction of the material he had spent months in preparing.

The very marrow of what he wanted to tell the court about the work of the Hitler Youth Movement was cut down to a few elementary facts such as that military training formed no part of the programme. Naturally there was a good deal of physical training in which the witness admitted there was a certain paramilitary value; but there was nothing which bore any relation to the instruction given to juveniles in the U.S.S.R.

Though Schirach was allowed to give evidence of this kind about the activities of the Hitler Youth, he was debarred from touching on the ideological background. However, this was enough to allow him to defend himself against a number of affidavits, one of which was, to say the least, curious. It was alleged that the Hitler Youth

had kidnapped Jewish children so as to use them as living targets for musketry practice; this strange accusation came from a woman and was submitted by the Russians.

Naturally Schirach and his counsel demanded that the witness be produced for cross-examination. The Russian Delegation seemed quite willing to produce her, but unfortunately her present address could not be ascertained; yet, three days later, this mysterious woman weighed in with yet another story of recent date, and once again her statement was duly submitted to the court as an "official affidavit".

Those "official affidavits"! Once an authority in an Allied country had accepted any sort of affidavit and duly stamped and submitted it the thing became "official" and was automatically accepted by the Tribunal, who thereby openly set aside the normal provision that any witness who had signed an affidavit should be available for cross-examination by the Defence. It is only fair to admit, though, that documents such as Madame Vasseaux's affidavit were in fact brushed aside by the Tribunal in spite of their official standing as evidence.

That part of Schirach's hearing which attracted most attention was his famous statement on the question of the mass-murders of the Jews. It was carefully drafted and repeatedly revised, and many of us read it through before it was given its final form—which, incidentally, was done on the very eve of its reading in court. The statement was as follows: "I am guilty of having educated youth to believe in a man who turned out to be a murderer a million times over. I did believe in that man, and that is all I can say in mitigation and explanation of my behaviour. This is my own personal guilt. The young generation is not guilty. These boys and girls grew up in an anti-semitic state with anti-semitic legislation. They were bound by such laws. Hence, to them, such a

racial policy could not mean anything criminal. Since, however, this racial policy and anti-semitism led to the crime of Auschwitz I admit that Auschwitz must be the end of such a policy and of anti-semitism. Whoever, after Auschwitz, clings to this racial policy is guilty."

In his cross-examination of the former Youth Leader, Mr. Dodd began by paying a brief tribute to this courageous admission of guilt but, a moment later, suggested ironically that Schirach might, perhaps inadvertently, have forgotten one or two things. It was these he was going to question him about.

What happened next was rather strange. The American prosecutor seemed interested in the inerest trifles and the exciting duel produced by the cross-examination of a prisoner, usually so fatally dangerous, seemed in this instance to be reduced to a bout of shadow-boxing. For half an hour Dodd quizzed the surprised Schirach about the precise character of certain songs that had been in vogue among his juvenile followers, though it was easy enough for the witness to disprove allegations of anti-religious bias and to explain to his politely attentive questioner that some of the songs that had seemed so sinister enjoyed the respectable patina of well over four centuries of veneration, having in fact been inspired by Florian Geyer, a popular hero of the German Peasants' Revolt in the early sixteenth century.

While this was going on we were all wondering what was Dodd's motive for taking this leisurely and innocuous ramble. Did he want to restore to the witness some of the confidence he had lost in the disastrous opening of his hearing? Was he trying to make him careless and thereby more vulnerable to some blow yet to be administered? We were all waiting for the surprise when it came.

The American brought out some papers. They were notes made by the man who was missing from the dock, Martin Bormann, and were to the effect that on 2nd

October, 1940, the then Gauleiter of Vienna, Baldur von Schirach, had told Hitler at table that there were still 50,000 Jews too many in the city and that he wished to be relieved of them by Governor-General Frank—who was then in charge of the Czechoslovak provinces whence Jews were sent to Auschwitz and other extermination centres.

Mr. Dodd, who had prepared his coup thoroughly, now produced a letter dated 3rd December, 1940, in which Lammers (a prominent official in Hitler's Chancellery) confirmed that the Leader had given his consent for the Vienna Jews to be thus deported. But there was still more to come, for the next exhibit was the actual text of a speech delivered by Schirach on 15th September, 1942, in which he boasted of his services to European culture by having caused tens of thousands of Viennese Jews to be deported to eastern ghettos.

Schirach claimed to have been unaware of the exact character of these ghettos; but the prosecutor was well able to cope with this plea and succeeded in having it overruled. Moreover, he had some additional documents brought from Vienna in the nick of time by courier plane, and these included a series of monthly reports in which were precise details of the progress being made in the extermination of the Jews. Every one of these reports was initialled by one of Schirach's closest collaborators.

This was indeed heavily incriminating evidence; and the shrewd way in which it had been produced seemed to add to its weight. Baldur von Schirach's case now seemed quite hopeless, and that impression was enhanced by the fact that not one of the witnesses called by the Defence was able to stand up to Dodd's cross-examination.

Just when the curtain was about to come down after the last of Schirach's witnesses had been cross-examined the American Judge Biddle intervened. He put a few questions to Wieshofer, the accused's former adjutant,

from which it was evident that he was trying to learn something about Schirach as a human being apart from and beyond his official activities. So human a touch was unusual.

Schirach himself seemed to develop remarkable new gifts in the course of the weeks and months that followed his hearing. Quite methodically he developed in himself a capacity for making the most of these small pleasures and rare moments of happiness that even the daily routine of a prisoner may hold. By deliberately restricting his thoughts and desires he steelled himself systematically for the long prison term which was the best he could expect. This behaviour may, of course, have been to a certain extent simply a reaction from the tremendous tension of his dramatic hearing.

I must say for this fellow-prisoner of mine that during the whole time he was in court he never shirked entire responsibility for everything that had happened between 1933 and 1945 pertaining to his office of Leader of German Youth. Naturally he did not himself consider his activities in that field criminal, but he could not but assume that the Tribunal would take a different view of them. And after his hearing was over he showed an elemental will to survive which may perhaps be best described as a kind of positive stoicism.

CHAPTER THIRTY TWO

Jodl

AS THE Nuremberg trial developed it became evident that there were in fact only a very limited number of problems to be investigated, the peculiarity of the proceedings being that each new hearing threw fresh light on every one of these few central questions. This interlocking of the evidence was particularly well illustrated by the cross-examination of General Jodl.

Jodl was a gifted officer and came from an old Bavarian family. In 1935 he had been appointed head of an important department in the High Command and in 1938 was sent to Vienna as Chief of Artillery. He had been already earmarked for Headquarters in the event of war, and in 1939 was duly appointed Chief of General Staff, in which position he remained till the end of the War.

As Chief of Staff it was his job to draft practically all the German operational plans for World War II, though he never knew whether or not any particular draft would be used, and it was only after Hitler assumed personal command in the winter of 1941-42 that the work of his department began to fall more into line with the day-to-day planning of the operations.

Jodl had a good deal of common sense and sober intelligence, he had been a shrewd observer of events and his evidence at the trial proved uncommonly revealing.

He began by explaining his personal relations to Hitler whom he did not meet until after the outbreak of war and whom he claimed to have opposed more frequently and vehemently than any other German, soldier or civilian. In August, 1942, they had a particularly sharp encounter,

so deeply resented by Hitler that from that moment on he stopped having his meals with Jodl and his staff, and never again shook hands with him. Five months later the General learned of his impending dismissal when the Leader told him that he was merely waiting for the end of the battle of Stalingrad to replace him by the victorious von Paulus. In fact, of course, Paulus was taken prisoner by the Russians and Jodl stayed at his post; but he had no contacts with Hitler apart from official business, received no decorations apart from the gold party badge, and was sent none of the customary Christmas presents except for a tin of coffee. During the whole time he was Chief of Staff he never ceased to ask for transfer to the front.

Since Hitler was extremely impulsive Jodl frequently withheld information which might have given rise to rash decisions; a risky thing to do, for if Hitler had heard of it from other sources his anger would have known no bounds. In his evidence Jodl gave the court a most vivid impression of the atmosphere at Supreme Headquarters, which seems to have been a sort of cross between an ivory tower and a concentration camp; but even more interesting were his statements on a number of specific and highly disputable points.

One of them concerned the background of the blood purge of 30th June, 1934. Did it really save the state from domination by Roehm or was it merely a camouflage for a series of premeditated murders? Or was there some truth in both interpretations? Jodl's answer was that while no actual move had been planned by the conspirators for that particular day he knew of sufficient evidence to prove that a coup was in fact imminent.

Asked about the march of German troops into Austria, the General described it as a most improvident and unwarlike operation, any fighting being out of the question since all the supplies of ammunition got left behind at the frontier. Incidentally, he said, seventy per cent of the

tanks broke down en route because their crews were then quite insufficiently trained in their maintenance.

Jodl openly admitted to have been thinking about the chances of a military incident at the time of the Czech mobilisation a few months later. To the question: "Did the Germans fear or welcome such an incident?" he answered that such a discussion only resolved itself into the old war-guilt controversy and that so far as he was concerned the only thing that mattered to him, legally or morally, was the actual cause for war. And he clearly saw at that time just cause for war in the absurd way in which Germans in the Czech Army were being called to arms against the Germans of the Reich.

Speaking of the extent and timing of German rearmament Jodl stated that rearmament was not properly set in motion until after the war had actually started. In the autumn of 1939 there were only twenty-three German divisions as against the one hundred and ten of the French and British Armies. He gave it as his considered opinion that if the French and British had advanced they could have finished the war there and then.

Jodl answered that part of the indictment which dealt with the occupation of Norway by asserting that a British landing had to be, and in fact was, anticipated there only by a matter of hours. If the Germans had permitted a British foothold in Norway it would have put an end to their chances of winning the war. He gave a similar explanation for the German advance through Belgium and Holland saying that it was evident at the very beginning that the Allies were massing their motorised forces north of Lille, a clear threat of an impending thrust through Belgium to the Ruhr, the very heart of the German arms industry. Had the Allied plan succeeded Germany's immediate defeat would have been inevitable.

At the beginning of the western offensive the German Foreign Ministry published a memorandum containing

evidence of Allied violations of Belgian and Dutch neutrality. In the witness-stand at Nuremberg von Gisevius had stated under oath that the information published in it was false and that Admiral Canaris, then Chief of the Security Services, had vainly protested against its use. Jodl emphatically denied this and swore without hesitation that the memorandum contained nothing but reports issued by Canaris's own department. "I am nauseated," he declared, "by this attempt to conceal the truth."

He then went on to explain why the Western offensive had been so frequently ordered and then called off, a thing which happened no less than seventeen times during that winter of 1939-40, mainly for meteorological reasons. The Panzer divisions as well as the Luftwaffe required a guarantee of from six to eight days of clear, dry weather, several times this had seemed to be in sight, but at the last moment doubts had always arisen about it. Even by the spring of 1940 Hitler would not give the order for attack unless he could be certain of the weather and it was not before 10th May that the experts would confidently predict a fine period of the required length. They proved to be right for it was not until 20th May, after the battle of Dunkirk that rain came, hampering the Luftwaffe and thereby securing the British escape.

During the lunch interval on the day that Jodl gave this evidence Goering told me at great length how, after the successful conclusion of the Western offensive, a delighted Hitler presented the Chief Meteorologist with a gold watch. "Which may still spell the poor fellow's doom," he added. "After all he gave the signal for the first shot."

When the Balkan offensive of 1941 came to be considered Jodl explained that this campaign had had a strictly limited object. British troops had landed in Greece and the German command merely wished to secure their south-eastern flank against surprise. They were therefore

planning the occupation of Salonika when the Simovitch coup d'état replaced the pro-German Government in Belgrade by a pro-Allied one, as a result of which Jodl was ordered to expand the Salonika plan at a few hours' notice.

When questioned about the Russian campaign the witness again produced some surprising information. In his opinion the eastern campaign was basically due to the fact that Germany was in no position permanently to protect the Rumanian oil fields by purely defensive means. He spoke of the 150 divisions of the Red Army stationed on our eastern border—a fact no longer denied by the Russians—and declared that if Germany wished to be secure against a surprise that might prove fatal it meant having 300 divisions in readiness. These simply were not available, and accordingly Hitler reluctantly decided to attack on 1st April though it was not in fact until June that Germany's eastern mobilisation began in real earnest, the attack being launched on 22nd June. According to Jodl it was a tactical but by no means a strategical surprise.

Jodl's demeanour could not but create an impression of coldness in anyone who did not know him well. Even in personal relations he lacked the gift indeed the desire, to make himself pleasant to strangers and this attitude was still more apparent when he faced an enemy Tribunal before whom he adopted a tone of correct politeness and studied indifference. One had to be a friend and compatriot to understand that his unconciliatory bearing was rooted in his character and professional code of honour.

The Americans I spoke to saw only one explanation for such a manner: they thought it due to a lack of feeling. Nothing could have been further from the truth, Jodl was a soldier who used his strictly disciplined intellect as a cover for an excessive capacity for emotion. I happen to know that from his prison cell he wrote the most beautiful

letters to his wife, veritable poems in prose, but even with his friends and comrades he never found it easy to express his emotions; and confronted with his war-time enemies he found it impossible. In court he retired into his shell and if it had not been for such great personalities as old Professor Exner and his colleague Professor Jahreis—both retained as counsel for Jodl—it might have been difficult to get him to talk at all. These three men grew to be friends and at the end of his final address to the Tribunal, Exner had some very moving words to say about his client, not as a soldier or a politician, but as a human being—words more kindly in feeling than any others spoken during the whole course of the trial.

The Englishman, Roberts, who started Jodl's cross-examination found he had no easy task on his hands even though the General suffered the considerable disadvantage that his diary was in the hands of the Prosecution. He had carefully preserved this record with his official files and after the surrender had handed it over with them to the victors, a fact which showed he was not troubled with a bad conscience.

But now it appeared that this diary contained political observations which in the hands of the Allied lawyers could be made to bear rather more weight than had been intended by their author. Mr. Roberts shrewdly used these notes to cross-examine the General about political events with which he was not wholly familiar.

"Why did you have to break your word to Norway, why did you have to cause untold suffering to the Norwegian people, simply because the British Navy entered Norwegian waters to rescue a few hundred prisoners? . . . Why did the Belgian and Dutch nations have to be crushed simply because a few British airmen flew over their territory?"

A politician would have found such a question easy to answer. He might have said that the question had

implicitly admitted a fundamental breach of international law which had naturally led up to the subsequent events. But Jodl was no politician and it took him some time to get used to this sort of reasoning, though in due time he became quite proficient in these forensic duels and, more than once, managed to supplement some of his earlier statements with useful additions and explanations—never an easy thing in a cross-examination where all the initiative lies on the side of the Prosecution.

An important issue was the order for the shooting of Soviet Commissars, a policy which had caused much conflict of opinion at the Führer's headquarters. Jodl had protested to Hitler about it, only to get the reply: "I cannot insist that my generals understand my orders: but I can insist that they carry them out!" Whereupon Jodl had attempted to get round the wretched instruction suggesting that it should be interpreted rather as a suitable measure for reprisals than a categorical instruction. The result was an unhappy and rather lax formulation of the order which, though it was a bowdlerised version of Hitler's original words, was not unnaturally regarded by the Prosecution at Nuremberg as an attempt to legalise a crime.

Another important issue was itself the result of the British Commando raid on Dieppe. A few days after the raid Hitler had seen photographs of German prisoners chained by the Commandos. He became very excited as a result and announced in his next official H.Q. communiqué that henceforth enemy soldiers who behaved like gangsters would be treated as such. Jodl had evidently raised no objections to this; he had hoped for some official British statement which would explain and settle the incident, but all that came was a denial that any prisoners had been so treated. Hitler became even more infuriated and ordered Jodl to draft the order for reprisals, which would have meant making the earlier threats effective. Jodl

refused, Hitler pressed him, and there was considerable tension. Then news was received of the body of a German soldier which had been discovered in very peculiar circumstances. The man had round his neck a rope the other end of which was tied to his feet which were bent backward. It was easy enough to reconstruct what had happened; the man had obviously not been able to sustain the unnatural bending of his body for any length of time and had choked himself to death. Now it so chanced that the most recent British instructions for hand-to-hand fighting had been captured, and in them Jodl said that he was shocked to see that this fiendish method of tying a prisoner's feet to his neck was described. However, when Hitler categorically demanded that his order for the reprisals be implemented Jodl still refused to draft it on the grounds that, in spite of British provocation, a collective measure of such a kind would constitute an insupportable breach of international law. In the end, of course, Hitler got his way and the order was finally drafted by Canaris. Hitler signed it and Jodl passed it on; but at Nuremberg he was able to prove that he had raised strong objections both orally and in writing even though he was unable to make them effective.

In the course of his evidence Jodl repeatedly stressed the provocation given by the enemy, mentioning in particular an unfair fighting trick of the Commandos which was to have a revolver hidden under the arm-pit in such a way that it was fired automatically when the man, pretending to surrender, raised his hands.

Jodl's cross-examination, though scrupulously fair, was a testing one. At the end of it he was asked: "Do you still claim to be an honourable soldier and a truthful man?"

Jodl's answer was: "The evidence has given further proof of it."

The man who put up so strong a defence was certainly a more formidable personality than Keitel, and there

could be no doubt that from his relatively junior position he had resisted Hitler's more unreasonable demands with greater strength of mind than the Field Marshal. At Nuremberg too he proved himself the better man. What both Jodl and Keitel had in common was a readiness to obey an unreasonable demand once their objections had been overruled, they had been brought up to obey orders.

So far as we who were his fellow-defendants could understand the legal implications of the case we expected Jodl to be found not guilty. Yet the verdict on him was. "Guilty on all four counts of the indictment."

Jodl himself I think, though he never mentioned it in so many words, expected to be acquitted. The death sentence must have been an all the heavier blow for him, though he bore it with admirable composure, and when he learned that those who were acquitted were to be prosecuted again he was fully reconciled to his fate. He would rather have died than remained in prison.

CHAPTER THIRTY-THREE

Seyss Will Not Fight

THE MAN who followed Jodl into the witness-stand had all of his intelligence, courage, and presence of mind, but lacked his will-power. He was Seyss-Inquart, a name intimately connected with the Austrian *anschluss* though it was revealed at Nuremberg—probably much against his wishes—that his real role in it had been an almost passive one and that in spite of the various honours conferred on him he was rather pushed on one side after the *Anschluss* became an accomplished fact.

The most dangerous points of the indictment against Seyss-Inquart referred to his activities as *Reichskommissar* of the Netherlands. But oddly enough, though he was highly intelligent, he never betrayed much interest in this. He was preoccupied with his record in his Austrian homeland, and never for a moment grasped that he might be able to put up a fight and save his neck.

His counsel, Dr. Steinbauer, a compatriot of Seyss's, evidently shared his client's predilection for home affairs. It was by no means unimpressive when he prefaced his very first words in court with the prayer: "God save Austria!"

Seyss-Inquart had himself been a lawyer. After 1931 he maintained contacts—not always entirely friendly ones—with the National Socialist Party; but it was only in 1938 that he actually joined the movement, having remained quite uncompromised all through the many years of violent controversy between the Austrian Nazis on the one hand and Dollfuss and Schuschnigg on the other. Hence he seemed to be the ideal personality for the disputed office of Minister of Justice in the new cabinet

which was the result of the compromise wrested from Schuschnigg at the famous Berchtesgaden meeting of 12th February, 1938. He was therefore duly appointed and when, a month later, the Chancellor yielded to the new German ultimatum, he became his successor.

Historical interest centred round the telegram in which the new Minister, while still a member of Schuschnigg's cabinet, was alleged to have asked for German troops to be sent into Austria. At the trial it was revealed that this famous telegram was never despatched. It was Goering who, on the eve of the movement of German troops across the border, telephoned the text of the telegram to Vienna. The original idea had been that Seyss-Inquart should actually send a telegram to Hitler, but on the telephone Goering told him that even this was really quite unnecessary, it would be sufficient for him just to say "Agreed" there and then. But not even that disyllabic cue was in fact actually given by the accused.

For the curious truth was that he did the opposite, he actually tried to avoid the German occupation of his country. He had really wished for the Anschluss but he wanted it to come about rather differently. Goering however, succeeded in scotching Seyss's protests against the impending military invasion by telling him on the telephone that the Fuehrer was asleep and that it was out of the question to disturb him, as would have to be done if they were going to change plans which had already been set in motion. All this was transacted in the course of a single nocturnal telephone conversation between Goering and the Austrian Minister. A few hours later, at the crack of dawn on 12th March, the German troops started their "Flower-march". Seyss had been given no time to proclaim his objections.

This sequence of events had long been made known to us by Goering, who liked to boast that it was he who had more or less single-handed (and by telephone) brought

about the Anschluss while Seyss-Inquart's part had been merely that of a fig-leaf designed to cover the naked force employed; though even as a fig-leaf he seems, in view of popular feeling at the time, to have played an almost superfluous role in the transaction.

Before he was even interrogated about it, and in spite of the fact that the matter was perfectly clear to everyone, the defendant insisted on giving his views about the Anschluss. So also did Mr. Dodds in his subsequent cross-examination, in which he put it to the defendant that in his capacity as member of the Austrian cabinet he had broken faith with his Chancellor and maintained treasonable contacts with "the enemy". The prosecutor did not seem to see that, in the eyes of most Germans of the time, such "treason" was altogether legal.

Numerous witnesses were heard about the Austrian problem who merely confirmed matters that were already common knowledge, yet they found attentive listeners because they were giving evidence which for once was both pleasingly factual and devoid of ill feeling.

Schuschnigg's former Foreign Minister, Guido Schmidt, stated: "The root-cause of the Austrian catastrophe was the impossibility of maintaining an internal conflict with domestic National Socialists and preserving essential economic and political relations with a Reich under National Socialist leadership."

The former Vienna Chief of Police, Skubl, confirmed the three principles governing Seyss' conduct which the latter had stated at his first meeting with Hitler: "I am an Austrian Minister sworn to defend the Austrian Constitution. I am a practising Catholic and will have no truck with any persecution of the Church. I come from a country unwilling to submit to totalitarianism." Skubl in fact confirmed what Seyss himself was most reluctant even to hint—that he had been deeply disappointed at the course of events after the Anschluss which had been

tantamount to the dissolution of Austria and all that she had stood for.

We prisoners in the dock were continually astonished by the defendant's persistence in reverting to the Anschluss. It seemed to us too delicate a subject for the Prosecution to grasp, though after newsreels showing the enthusiastic reception of the German troops in Austria had been shown it seemed unlikely that the Tribunal could still assess it as a crime. But here we were once again mistaken. For although the verdict recognised "the widespread desire for a union of Austria and Germany", the conclusion drawn was that: "Even if such desire was in fact existent it was irrelevant. The facts left no doubt that the methods employed for achieving that desire were aggressive."

But all the time it was clear that it was not the Austrian question that would decide the accused's fate but his activities in the occupied territories.

The former governor of the Netherlands dealt frankly with every point in the indictment. He spoke in a quiet voice, calmly and soberly spurning palliation or excuse. He seemed almost eager to answer questions even when they appeared to incriminate him and hid nothing. In cross-examination he seemed almost to suggest the biased conclusions sometimes drawn from his evidence, as when, for instance, asked what he had had to do with the shooting of hostages he answered that they came under the army and police and had really nothing to do with him, but that on one occasion when twenty-five Dutchmen were to be shot in reprisal for the derailing of a troop-train, he had managed to reduce the number of victims to five and procure the release of one or two fathers of large families. Thus, as he himself observed, he left it to be implied that he was in fact guilty of aiding and abetting in the shooting.

Some of his evidence threw an interesting light on

details of his administrative routine in Holland. He had invariably allowed legal commissions and representatives of the Red Cross to visit every prison in the occupied Netherlands, which obviously excluded the possibility of the appalling conditions which the trial showed to have been all too common in other occupied territories. In his administration he had been punctilious in putting a stop to the plundering of art treasures; what he could not stop was the movement of many precious old masters into the Reich as a result of purchase, in which case the Dutch owner was generally adequately paid though it was naturally regarded as a sort of robbery from a national point of view.

Dealing with the question of confiscated fortunes he explained that they were usually forfeited in favour of the Netherlands rather than of Germany. The huge private fortune of the Queen of Holland was, at first, merely "administered"; it was only after Queen Wilhelmina had lent her name to broadcasts violently attacking the Reich that Seyss gave orders for her property to be confiscated for the benefit of the Dutch State. No more than some three to five per cent of the royal fortune was actually liquidated and the funds went to a foundation for the restoration of war damage.

Naturally there were some unsavoury incidents in the German administration of Holland; at least half of a famous collection of diamonds vanished in Arnhem, and it was only some years later that they were recovered in somewhat fantastic circumstances. But perhaps the very infrequency of such incidents may serve to emphasise the Reich-Commissar's earnest efforts to safeguard the interests of the nation entrusted to his care.

It can have been a by no means easy task. I knew from personal observation how weak his position was within the Party and how much he was hampered by constant nagging for being too "pro-Dutch". He was also much

blamed for his refusal to put the Dutch National Socialist, Mussert, at the head of the Government, as Terboven had done with Quisling in Norway.

At Nuremberg Seyss never denied the tremendous damage suffered by the Netherlands as a result of the war. The official Dutch witness, Hirschfeld, assessed it at twenty-five milliard guilders which was the sum of the Dutch claim with the Reparations Commission. Even so, as this Dutchman who had remained at the Hague at the request of the émigré Government could not but admit, the blame for the many severe measures adopted could not be attached to Seyss. Most impressive was the revelation that with considerable courage he had successfully resisted Hitler's scorched earth order for Holland after it had already been issued. The order was not carried through, and General Bedel-Smith (who had been Eisenhower's Chief of Staff at the time and was later U.S. Ambassador in Moscow) testified that before the German retreat from Holland only such flooding and destruction was effected as could be justified by military necessity.

The mortality and birth rate statistics, too, seemed to be far from uncreditable to the German occupation. Certainly the figures were better than those for the first World War when Holland was neutral and when mortality rose from twelve to seventeen per thousand, while the number of births fell by fifty per cent. In the second war, in occupied Holland, the mortality rate rose only from nine and a half to ten per thousand, and the birth rate actually went up by a half per cent.

His fellow-prisoners in the dock found it regrettable that Seyss put all the emphasis on the Austrian part of his case and completely neglected opportunities for stressing his correct and conciliatory administration in Holland. But his failure to make any real effort to refute the blame attached to him with regard to the Jews was almost

incredible, for the deportation of Dutch Jews to Auschwitz seemed more likely to incriminate him than anything else. Yet he barely mentioned his repeated efforts to impede such deportations, even though the orders for them became ever more frequent, more categorical and from more exalted sources. Finally it was Hitler himself who informed Seyss that in view of the possibility of enemy invasion Jews could not in any circumstances be allowed to remain in what might well turn out to be a theatre of war.

This put Seyss-Inquart in a quandary; though even then he would not yield immediately. Quite casually he revealed how he had sent a German-Dutch commission to investigate conditions at Auschwitz which was to be the destination of the Dutch Jews. The commission reported back that they had been shown a camp with decent living quarters and excellent sanitary facilities, and even some industrial plants to keep the inmates profitably occupied; and it was only when he had received this report that Seyss withdrew his objections which were, anyway, based rather on legal grounds than any idea that the deported prisoners might be killed. However, the Jews were collected and sent off and for a year or so a fairly regular flow of letters reached Holland from Auschwitz, after which it began to diminish though it never ceased completely.

Every time the defendant returned to his seat in the dock from the witness-stand and all through the lunch intervals I used to beseech him to be more specific about these vital points. Why had he not said a little more about the report of that Auschwitz commission and his own bona fides? His answer was invariably to the effect that, "Whatever I say, my rope is being woven from Dutch hemp. All I can do here—and I consider it my main task—is to clarify the background of the Anschluss. I am not interested in anything I am accused of having done elsewhere. Anyway, all this will count for nothing as soon

as new conflicts appear in the world and people cease to see my actions through a distorting glass of hatred."

In point of fact though the subsequent verdict against him was based on four counts, his moral condemnation rested entirely on the deportation of the Dutch Jews. The Tribunal noted that Seyss had received favourable reports about conditions in Auschwitz and concluded that it was incredible that a man in his position should have had no idea of what was really happening to them there. So far as we were concerned we considered it quite credible.

Looking for a clue to Seyss-Inquart's character and his attitude during the trial I find it summed up in two sentences of his. To the French prosecutor, Delphin Debenest, he said: "You can rest assured that I will say all I remember. Should I forget something please tell me. I shall not deny it if it is true." And to his counsel at the end of the preliminary questioning he said: "At the time of triumph we stood in the front rank. Now that disaster has overtaken us we must still stand in the front rank."

That was the reason why this man, unlike Frank who also had resigned himself to his fate, made no effort to fight the accusations brought against him.

I had expected that at least some of the numerous observers in the great hall might have discovered the key to Seyss-Inquart's strange attitude, so that I was surprised to learn that even the professional psychologists could not see in him anything but an "icy cynicism".

It was the one quality he lacked completely.

CHAPTER THIRTY-FOUR

Papen Teaches History

NOT ONE of us produced his evidence as nonchalantly as the former Reich Chancellor, Franz von Papen, a man who was frequently said to be not much more than, as we say in German, a gentleman jockey. Papen was a great deal more, though he proved himself a good horseman with a fine sense of balance all his life.

As a journalist in the press gallery I had an opportunity one day of watching his demeanour as he faced a Reichstag fairly boiling with political passion; he behaved then with exactly the same nonchalance that he later displayed before the Tribunal at which the victorious powers tried him for his life.

Yet, so far as I could judge, this nonchalance with which he met all the trials and tribulations of living was not the frivolity of an easy-going man of the world; rather it was rooted in the faith of a devout Catholic, and in the courage of a soldier who had all the dexterity of a diplomat and an extraordinary vitality to boot. Moreover he seemed to me a very shrewd bargainer: charming in manner, but sparing in substantial concessions.

Papen was a "good mixer" even in the dock. There as elsewhere he had all the social graces and was always ready with a friendly gesture or word of encouragement. In the witness-stand he used to the full a privilege which was well earned: he had had little truck either with the Hitler Government, which he had left in anger early in the regime (though he had served it abroad), or with the Nazi Party, having demonstratively avoided its functions. Thus he was well able to emphasise the uniqueness of his position among us.

Being one of the last chancellors of the German Reich he was in a strong position to raise the question as to whether the charter of the Tribunal was compatible with the undoubted fact of Germany's past sovereignty. At the same time he stressed the fact that his administration in 1932 had been strictly constitutional and within the terms of the law governing state emergencies and made it plain that its activities did not justify a charge of the sort provided for in the Tribunal's charter.

Other defendants had addressed the court with self-respect: but here for the first time was a man who made a claim to be treated with respect by the court; a claim which he justified not only by his personal record but in terms of contemporary history. For what Papen now proceeded to do was, in effect, to give the court a history lesson wherein he described the sequence of political events as he had seen them. His point of view differed materially both from that of the Prosecution and that of the other defendants, though his lecture served to supplement Goering's own evidence about the road that had led Europe from the first to the second World War.

Unfortunately Lord Lawrence did not accept the relevance of Papen's historical review and by calling him to order obviously interfered with the development of his argument.

Papen explained that his appointment to the Chancellery was not due to any intrigues against his predecessor Dr. Brüning but to the fact that the latter and Hindenburg had come to a parting of their ways. Knowing full well that his own party, the Catholic Centre, would go into opposition against him Papen had at first refused to accept office and it had only been when Hindenburg appealed to his sense of duty to his country that he had considered the decision.

Similar situations arose again later in Papen's career. During Hitler's rule he repeatedly decided, against his

better judgment, to do what appeared to be his duty—which was the reason he was now facing the Tribunal.

In June, 1932, the new Chancellor formed a "cabinet of experts". They were full of good ideas, and were meant to represent the best possible compromise between many conflicting interests, but alas, he had overlooked the fact that what matters in politics is not only what is being done and how it is being done, but—more important—who does it. Prejudice is the very essence of politics.

Papen soon learned all about the difficulties of minority government and this was probably the root cause of his subsequent determination to get the most powerful party to share responsibility with him.

When at the end of the Lausanne Conference in 1932, Papen told McDonald and Herriot: "You must give me a measure of success in foreign affairs; for if my Government falls it will have been the last one in Germany to show moderation: what comes after me are the extremists of the Right or Left," he certainly knew what he was talking about.

But the foreigners listened to Papen no more than to Brüning, Stresemann, Rathenau, when these, too, had raised their warning voices. That was how tension had grown in Germany, that was why the irreconcilable Right and the irreconcilable Left stood glaring at one another while the moderates in between grew weaker day by day. Then in July, 1932, Papen, as Federal Chancellor, assumed power over the Prussian state. He did so because there was no way of being sure that the Prussian police on guard before his office might not one morning arrest him; after all they had to obey a left-wing Government: things had come to such a pass. In the upshot the German Supreme Court approved of Papen's unique coup and thereby legalised it.

But even then his Government was by no means out of the wood. His cabinet had little backing in the Reichstag,

and there was plenty of opposition on both sides of the House. In the July elections of 1932 the number of Nazi deputies rose from 110 to 230 and the Chancellor wanted this uncannily quick-growing opposition in his coalition. But all negotiations broke down. Hitler demanded all or nothing.

Proceeding with his tale of these events von Papen told the Tribunal of the joint vote of no confidence moved by Social Democrats, Nazis and Communists against his administration and of how he slammed down the famous red despatch cast with the President's dissolution order on the table and left the chamber. That was the time when enormous parliamentary majorities could be produced for any "No" while only a few score of deputies could be persuaded to vote for any positive measure at all. That particular parliamentary melodrama had been staged by a Speaker of the House whose name was Hermann Goering; and from the witness-stand at Nuremberg Papen stated explicitly that he considered such a proceeding to have been a prostitution of parliamentary government. In the lunch interval I asked Goering what he thought of the expression. He shrugged his shoulders and said that the ex-Chancellor had, from his own point of view, been perfectly right in his description of the manoeuvre.

After dealing with this episode Papen recalled a few details, not even then generally known, of the very last (and it must be admitted thoroughly unparliamentary) emergency measures attempted before Hitler was finally admitted to power.

In the November election of 1932 the National Socialists lost 34 seats but their remaining 196 deputies still held the key position so that once again President Hindenburg requested Hitler to form a Coalition Government. Hitler declined and yet another attempt by the leader of the Centre Party to form a cabinet went awry. On 1st December Papen and General von Schleicher were

sent for by the President to discuss the situation. The witness suggested sending the present parliament home and in their absence working out a new constitution; but he had made it plain that to do so would in itself be a thoroughly unconstitutional step. Schleicher made a clear-cut offer to try to widen the existing rift within the Nazi Party (Strasser versus Hitler) and so secure a Parliamentary majority with the help of the Trade Unions.

Oddly enough the President plumped for Papen and a breach of the constitution. But when Papen tried to form a new cabinet he could not persuade any of his potential Ministers to follow him; they had been warned by Schleicher of the possibility of civil war and were convinced that the army and police would be unable to maintain law and order.

The President therefore appointed Schleicher who less than two months later, on 28th January, was forced to ask him for the very dissolution of the Reichstag he had hoped to avoid. Hindenburg refused and instead asked Papen to form a new government with Hitler.

At great length the witness told of his earnest efforts to avoid being swamped by his partners in this Coalition. Hitler was Chancellor and Papen Vice-Chancellor, but the Nazis only held three of the eleven seats in the cabinet.

Later Frick told me that it was precisely this unfair treatment of the largest party in the Coalition which had caused its disruption and the taking over of total power by the National Socialists. "Nonsense," said Goering, who was listening. "It didn't matter two straws whether we had much or little in the beginning; we were going to have it all anyway. We were determined to run the whole show in the end."

Papen explained how politically impotent he soon became and how, even while the cabinet was still predominantly non-Nazi (a position soon to be reversed), his suggestions and decisions were constantly flouted by

Hitler's authority within the cabinet or by Hitler's orders to the Party in the country at large. Things came almost to a head when in his famous speech at Marburg on 17th June, 1934, Papen raised his voice in a clear warning against the coming totalitarian state. The press was forbidden to mention, let alone reprint, this speech and when Papen protested to Hitler he was told there had been a misunderstanding, though in fact quite a few days had elapsed before he was told anything at all. However this matter was soon lost sight of in the far greater storm raised by the blood purge of 30th June, on which occasion Goering put Papen under house arrest for three days. When, on being released, he raised objections to this treatment he was once again told that he had been the victim of a regrettable misunderstanding. Next day he learnt that two of his most intimate collaborators had been shot out of hand. He requested the Minister of Justice to take action and resigned from the Government; but even this last step was neither acknowledged nor reported in the press and when he tried to contact his old friend Hindenburg he found he was kept at arm's length. The old President was in fact at death's door and Papen never again saw him alive.

The defendant next told the court of the circumstances—then still generally unknown—in which he consented to return to serve Hitler's administration. At two o'clock on the morning of 25th July, 1934, a few hours after Dollfuss the Austrian Chancellor had been disposed of, there was a thunderous knocking at the door of Papen's Berlin house. Three S.S. men were waiting for him; they merely said that the Leader wished urgently to speak to him and would he telephone him at Bayreuth. forthwith? He was put through in a matter of minutes and Hitler told him excitedly of the murder of Dollfuss. Would Papen consent to go to Vienna as Ambassador and would he fly to Bayreuth at once to discuss matters?

Papen made conditions which it was not easy for Hitler to swallow. He insisted on our party publicly castigating Habicht, the man responsible for the Dollfuss *putsch*, and he demanded Hitler's written assurance that the Anschluss policy should henceforth be pursued in a more "voluntary" spirit and without a show of force. Both conditions were accepted. I myself well remember that several days later Dr. Goebbels was still furiously resentful about these conditions. Papen—so he told us—had been as impertinent as the devil and had literally blackmailed the Leader.

At Nuremberg the defendant said that he had consented in order to serve his country rather than Hitler, with whom he had often clashed, and made it clear that he had in fact never ceased to resist parts of the programme, ideology and methods of the Nazi Party; but he never claimed to have been a member of the resistance, and for this we respected him. He simply said that he had always stuck to his opinions.

In his indictment Papen was accused of having supported the Austrian Nazis and of having undermined the Schuschnigg Government to which he was accredited. The final verdict of the Bench, while still critical of the prisoner's Vienna activities, was that his actions were not meant to promote a war of aggression and were therefore not punishable.

After the Anschluss, Papen retired into private life until a year later he accepted the post of Ambassador at Ankara at a critical period when the Turkish Government, fearful of Italian expansion, had contracted an alliance with Great Britain. Turkey managed to stay out of the war until the autumn of 1944; and in her efforts to maintain her neutrality found much support from Papen's tactful stewardship of the German Embassy.

I happen to have some personal knowledge of the extraordinary respect enjoyed by Papen in Turkey. When I made an official visit to Turkey in 1943 he asked me to

dine with him at an hotel in Istanbul. The dining room was crowded with strangers every one of whom as we entered rose spontaneously to his feet and remained standing till the German Ambassador had taken his seat. I was considerably surprised by this and asked my host the reason for such unusual honours being accorded to a foreign diplomat, particularly one in such delicate political circumstances. In reply he told me of an attempt made on his life some time before by a Russian agent who, fumbling with his camouflaged bomb, blew himself up instead of his prospective victim. When Papen had picked himself out of the wreckage, miraculously enough almost unscathed, a Turkish News Agency reporter had approached him and remarked politely on his good luck—"Why, yes," said Papen. "Allah seems to have protected me." That little remark swept the country and won for him the hearts of the people as decisively as his tactful diplomacy had gained him the sympathies of their government.

Even in prison Papen used to get innumerable letters from Turkey testifying to his popularity there and it may be noticed that the indictment—in spite of various essays by the Russians—did not even attempt to attach criminal imputation to his career in that country.

It was as well that the Prosecution refrained from looking for anything defamatory in Papen's work during the first World War, though at that time the young Military Attaché in Washington was certainly regarded as a heaven-sent target for Allied propaganda. "Satan with a top-hat," he was called, and was alleged to flit continuously from one spy to another; while for years after he left America various organs of publicity held him responsible for any sort of explosion or other disaster.

Papen accepted all the legends attached to his name, friendly and evil alike, with the utmost nonchalance. He was alleged to have on one occasion lost a despatch case

in the New York subway. The case contained documents highly compromising to the Kaiser's Government and the incident became celebrated, almost all the world believing that Papen had been guilty of a disastrous blunder. At Nuremberg we were surprised to learn that it was not Papen but an embassy councillor called Albert who had actually lost these papers. As for the witness, he had obviously found this instance of mistaken identity funny rather than anything else; I have never seen a politician so unconcerned about other people's opinions.

The ex-Chancellor totally lacked the arrogance generally to be found in those who claim to know what is best for their fellows; but he had a good measure of inner composure and that mental balance which is so rare among us Germans.

It was this balance and composure which enabled him to face the Allied Tribunal with the same reserved non-chalance and the same readiness of wit that he had showed when, after the end of his Ankara mission, he had come home to face a show-down with Hitler. For, disregarding many warnings and offers of asylum outside Germany, he came home during 1944; his explanation for this action was very simple: "It was where I belonged," he said.

CHAPTER THIRTY-FIVE

Speer Saves Europe's Factories

FEW OF the accused were granted such attention in court as Albert Speer. An architect by profession and Hitler's Minister for Arms Production at the end of the war, this man gained the sympathies of many people by his bearing both before and after the surrender. The enemy respected his professional efficiency and quite frequently, when prominent foreigners were passing through Nuremberg, he would be sent for to be interrogated. Armament experts and industrialists, particularly, were interested in the astonishing results he achieved when he whipped up German industrial potential for the final effort of the war.

In the witness-stand Speer told how in 1932, a young and successful architect, he had decided to join the Nazi Party. Two years later Hitler had sent for him; there were great projects afoot and the young architect obtained his first orders from Party and State. He was fascinated both by the work and the practically unlimited means at his disposal.

When he soberly related in court the gigantic scope of these projects even the Americans could not conceal their amazement and it was evident that Speer himself had entertained the most enthusiastic feelings for the patron who gave him such opportunities. He candidly admitted that had Hitler been a man able to have friends he would have liked to have been one of them.

After the death of Fritz Todt in February, 1942, Speer was suddenly called to head the enormous labour corps for special projects known as "Organisation Todt", and at the same time take over the Ministry of Armaments. He tackled his new job with his customary efficiency and

soon made the astonishing discovery that at that time, in the very midst of the war, German industrial potential was far from being fully exploited. Speer knew little about industry, but he was a splendid organiser and he promptly adopted the American "brains trust" system of co-ordinating the best specialists available for each job. The results were staggering, and soon the youngest German Minister was put in charge of naval armaments, which had previously been outside the scope of his ministry, and of the whole of civil production.

Because of his work arms production rose steadily, in spite of steadily increasing air-raids, up to the end of 1944; and even while cities and towns were being blasted into smithereens the flood of munitions continued, the work going on in the ruins, in improvised plants, and underground. In 1944 the complete equipment for 130 infantry and 40 armoured divisions was produced and but for the air-raids the figures would have been 30 per cent higher. The witness was asked about the absolute monthly maximum reached during the whole course of the war, and replied that for munitions it was August, for aircraft September and for U-boats and "V" weapons December, 1944! But all this tremendous effort was largely rendered useless when after May of that year the principal weight of enemy air attack was directed against the fuel refineries. Production then dropped by 90 per cent, which played havoc with the transport facilities for distributing the newly produced arms.

Speer went on to explain how he had constantly tried to keep Hitler informed of these grave facts. Everyone of us in the dock of course knew only too well the difficulties of breaking bad news to the Leader and the generals were to give further evidence of the way in which right up to the very last Hitler attempted to juggle with armies and divisions which either were still only planned on paper or else had been decimated long before. It was indeed a

tragedy that the man who had assumed absolute mastery and the final decision on everything kept himself, deliberately, unaware of the rapidly progressing destruction of his country. In the ivory tower of his H.Q. he would frown on anybody bearing bad news, for to him even to accept the accomplished fact of one of the daily disasters was a mark of cowardly defeatism. A personality like Speer might have been expected, if anyone could, to have given the Leader a sober account of the grim facts of the war.

When he was asked why he continued his work in spite of his knowledge of what was happening to Germany Speer gave an answer which may have surprised the Tribunal, though it certainly did not come as a novelty to his fellow-prisoners. He said that Hitler used to deceive his technicians by stories of some impending surprise in foreign relations, and that he would play off his soldiers against his politicians (and vice-versa) by similar means.

With a wealth of detail the witness dealt with the first serious rift in his once cordial relationship with Hitler. The break through at Avranches was a decisive success for the Allied armies, and as a result of it the Minister of Armaments was ordered to effect a widespread destruction of industrial plant in regions which could no longer be held. He had protested vehemently, one of his arguments being that since we hoped to reconquer these areas we should want the factories for ourselves, and Hitler reconsidered his decision.

But soon Speer received further orders to prepare for the radical destruction of capital equipment. In August, 1944, such instructions were issued for many works in Czechoslovakia, for the iron ore mines in the Balkans and for the Finnish nickel industry. In September the same fate threatened northern Italy, and in February, 1945, the Hungarian oil fields and the entire remaining industry of Czechoslovakia. In every one of these cases, with or

without permission, Speer changed the order for total demolition to one for the temporary incapacitation of plant by the removal of vital parts. Thus in point of fact Speer was personally responsible for saving the industry of more than half Europe from total destruction, and it was mainly due to him that a number of countries achieved something very near their pre-war industrial production soon after the end of hostilities.

In his evidence he emphasised that his resistance to Hitler's scorched earth policy had the tacit agreement of General Jodl. But the situation got rather more difficult when the war moved to German territory where it was practically impossible to ignore Hitler's orders without his learning about it. On 14th September the Supreme Commander issued a general order that the advancing enemy troops were to find nothing but total ruin; the same day his Minister issued a categorical counter-instruction to the effect that the original order was to be ignored, the official reason for the change being that the lost regions were about to be reconquered. It was fortunately Speer's, not the Leader's, order which was carried out, the reason being that many other Germans were now beginning to realise that Hitler was simply identifying Germany's fate with his own end. In the case of ultimate defeat he wished to destroy methodically all chance of survival for the Germans and for Europe as a whole.

After November, 1944, because of ever more effective air-raids, the Ruhr which was our principal source both of arms and coal had to be written off; transport in that area had come to an almost complete standstill. It was therefore evident that when the supply dumps spread all over the country were used up there would be no way of providing even a fraction of the requirements of the troops at the front. In these circumstances Speer informed the Leader that the enormous material superiority of the

enemy could no longer be offset by the bravery of German soldiers.

This report had not the effect hoped for; indeed it had the very opposite one. Hitler categorically forbade any pessimistic statement, and told his closest collaborators that his order of the day was "Victory or the End!" while to Speer he said that if the German people lost the war they would have lost the right to exist.

This information when published served as something of an eye-opener on recent events to a good many Germans. As for Speer himself his explanation of how and why he came to turn his back on his Leader was certainly not meant to exonerate him before the court; he gave it to supply his companions with a vital piece of information and to prevent the spread of a Hitler legend. Speer's words were: "Here too there was a code of honour to be defended"—meaning that it is sometimes a responsible man's duty to ignore orders and act according to his own conscience.

In the early months of 1945 the accused travelled ceaselessly up and down the country countermanding the scorched earth orders. He saw to it that bridges were not totally destroyed and that entire dumps of dynamite were removed so as to prevent the blowing up of factories. All this had to be done secretly, but Speer did not employ the camouflage of faked obedience; even though he had to resist him he had no wish to deceive the man who had once been so near his heart.

Another point which came up in this evidence concerned one of the attempts made on Hitler's life. Speer gave detailed information about a plot, in which he was concerned, to infiltrate poison gas into the bunker where the Leader had established himself at the end of the war; a plan which though carefully thought out miscarried owing to a technical hitch. When questioned privately on how he, a loyal friend and admirer of Hitler, could enter into a

conspiracy to kill him in such a way Speer would answer that his loyalty was to the Nazi cause not to a megalomaniac.

On 29th March, 1945, Speer had his last meeting but one with the Leader and presented him with a paper in which were soberly set out his reasons, irrefutable reasons, for considering the war lost. Hitler indignantly demanded a retraction of this conclusion which Speer refused to make. There was silence for a while, then Hitler held out his hand; somehow he could not bear to dismiss in disgrace this man with whom he had been associated in so many great projects.

As a result Speer was able to go on sabotaging the irresponsible scorched-earth policy. Shortly before the end he felt the urge to see Hitler once again; perhaps he hoped by jeopardising his own life to stop what he clearly recognised to be the last emanations of a madman. He flew a helicopter to Berlin, landing at the Brandenburger Tor which was already within range of the Russian artillery. Hitler welcomed him and seemed pleasantly surprised at his visit but refused to discuss the situation, contenting himself with bidding a friendly farewell to the man who had worked so loyally for him until he had realised that his Leader was violating an axiom of his own *Mein Kampf*: "It is a Government's supreme duty to preserve the substance of the nation".

No doubt Hitler was aware that Speer was acting on the principles he had shown in his eloquent opposition on the scorched earth policy. There is no other explanation for the fact that Speer's name was missing from the list of ministers given to Doenitz with his appointment as Hitler's successor. There can be no doubt too that Hitler was at that time suffering from persecution mania, laying the blame for the catastrophe on the treason of his subordinates, and that he had anyone he had the slightest reason to suspect of disloyalty either shot or hanged

(including his own adjutant and brother-in-law, Fegelein); yet even then he spared the only man among his advisers who had the courage to oppose him openly rather than creep secretly into the opposition camp.

Speer's cross-examination was principally conducted by the American, Jackson, who tried hard to get him to incriminate others; but Speer refused to oblige. Nevertheless he was not always able to evade delicate issues, particularly since the Prosecution had access to his files in which there were more than 5,000 pages of shorthand minutes and 400 "Führerentscheide" (summaries of various disputable questions on which Hitler had to give a decision).

These files provided material for many of the most interesting questions put to the defendant, those for instance on the projected use of poison gas which might well have taken place towards the end of the war if Speer had not used his influence to prevent it. There were questions, too, about "V" weapons as well as a number based on wildly exaggerated reports that had been used by the Allies for propaganda purposes.

All of a sudden during the examination there came a few questions about Goering, and here too Speer knew the answers. He described how bitterly Hitler had vented his spite on the man in the dock, and himself made no bones about Goering's inability to understand the requirements of modern air warfare. But when Jackson tried to lure the witness a little further he refused to co-operate. Later he was shown an affidavit about an incident at Krupp's in which a number of workers were alleged to have been put in cages. Speer at once shouted: "That's a lie!" whereupon he was politely assured by the prosecutor that he was not himself being held responsible for this particular affair; the Tribunal simply wished to know if his expert opinion would confirm that in some cases foreign workers had been maltreated.

Mr. Jackson was well aware, of course, that there had been differences of opinion between Speer and Sauckel (who was the Minister responsible for such matters). It seemed fairly obvious to us that a chance to turn king's evidence was being offered the witness by the Prosecution; but Speer was not to be tempted. On the contrary he went out of his way to emphasise that most of the stories about the maltreatment of foreign labour were pure invention, and praised Sauckel's sincere efforts for the millions of men entrusted to his care. Speer said that he had visited innumerable factories and could confirm that everything possible was done in them to improve the lot of foreigners obliged to work in the Reich, and that wherever conditions had proved unsatisfactory it had been mainly due to the effects of war, especially of the Allied air-raids.

The whole examination and cross-examination left us no doubt that while Speer would be found guilty he would undoubtedly be conceded the benefit of extenuating circumstances.

CHAPTER THIRTY-SIX

Neurath's Reputation Was Far Too Good

KONSTANTIN VON NEURATH, former Foreign Minister and first Reich Protector of Bohemia and Moravia, was the oldest among us. He was 75 years of age.

For a high officer of state carrying out his duties seated in a comfortable armchair his physical condition may have been adequate; for a prisoner forced to bear the rigours of life in gaol it was pitiable. For many hours a day for months on end he sat next to me on the hard bench in the dock generally as straight as a ramrod, though from time to time his head would drop on my shoulder and he would seem to be asleep. I would remain frozen; then all of a sudden the old man would drop down in a faint. We would pick him up and a guard would advise him to rest in his cell for a while; but that he would not do. He was a man of the old school, looking at infirmity as something disgraceful and to be concealed.

Immediately prior to his first hearing I noticed that he was practically unconscious for several minutes; then he was seized with a tremendous excitement which he manfully tried to suppress. Finally, carrying himself very upright, he made his way up to the witness-stand with the quick short steps of the aged.

I sat through practically the entire hearing of Neurath's testimony, but I hardly recognised it when a few days later I saw it in print; the text altogether lacked the characteristic quality of his oral evidence before the Tribunal.

Neurath's counsel, Dr. von Lüdinghaus, had a cultured and well accented diction while the accused's own words came with the easy flow learned during a life

of diplomatic routine, though there was a certain brittle quality about them as of very old silk which it would be wiser not to stretch too far. In contrast Sir David Maxwell-Fyfe, who on this occasion led for the Prosecution, seemed for once not disposed to follow the usual style of British oratory with its studied understatement and absence of melodramatic effect. Maxwell-Fyfe's manner as he delivered his questions varied generally between matter-of-factness and icy civility; but from time to time his questions had a certain brusqueness.

At first Neurath seemed safe enough. His counsel had exerted himself on behalf of his client and the two had carefully worked out the text of their dialogue—though it is true that they finally, in face of the Tribunal's growing impatience with long-winded statements, cut their original drafts to the bone.

Neurath spoke first about his ancestors who had provided many a Minister for the Kingdom of Wurtemberg, the family's homeland, and then went on to tell how he himself had entered the German Imperial Foreign Service about the turn of the century. During the first World War he had had some differences of opinion with the Chancellor Bethmann-Hollweg and had quit the service in 1916. The last King of Wurtemberg made him his *Chef de Cabinet*.

When the first President of the Republic, Fritz Ebert, asked Neurath to return to the Diplomatic Service he accepted and was posted to the Legation in Copenhagen whence he went as Ambassador first to the Holy See and then to the Court of St. James. It was not until the latter years of the Weimar Republic that he gained his political standing, holding the position of Foreign Minister in the Papen and Schleicher Cabinets, while Hindenburg made his retention in office one of the conditions of Hitler's appointment in 1933.

Neurath told the court that at that time he had

promised the President to stay in office as long as there was hope of avoiding military adventures, and that he had not felt relieved of this promise by Hindenburg's death.

In point of fact the witness remained Foreign Minister for some years and only asked to be relieved after November 5th, 1937, by which time he had begun to realise that Hitler was taking great risks in his relations with foreign powers. It was the famous Hossbach Conference which had made it clear to Neurath that rearmament was on the way and plans of military conquest being prepared; when he understood what was happening he had been so affected by it that he had suffered a heart attack and proffered his resignation which was not accepted till February 7th, 1938. At the time Germans had compared him to a pilot deserting his ship just at the moment when dangerous rocks had come in sight; now the Prosecution were reproaching him for having ever gone on board at all!

Certainly no other member of Hitler's government ever enjoyed as much confidence abroad as did Neurath, and there is also no doubt that his presence reassured many of those Germans who had doubts about the new Chancellor.

Ludinghausen carefully collected the numerous goodwill messages and other tokens of esteem which arrived for his client while he was in prison at Nuremberg. Some of these messages came from very important persons indeed; but oddly enough they proved harmful rather than beneficial to the accused's case and provided yet more grist for the Prosecution's mill. For Sir David argued that Neurath's was a case of the cunning abuse of good name and reputation, and he even managed to base this thesis on evidence of a more or less circumstantial nature. His argument went somewhat as follows:

Upon his return from a trip abroad in 1933 Neurath had stated that all over the world public opinion about

Germany was worsening. In the dock these warning words were construed as evidence of his knowledge of crimes committed by the Nazis at that time.

While in office Neurath had naturally done his best to combat some of the atrocity propaganda spread abroad about events in Germany. He tried to correct erroneous reports and for this purpose enlisted the freely offered co-operation of Mussolini and the Italian Diplomatic Service. This was now held to show that he aided and abetted in the concealment of crimes.

One of the points in the defendant's indictment dealt with his alleged share in the worsening political situation which developed in Europe during the years 1932-37. He was said to have been responsible for Germany's secession from the League of Nations, for her rearmament, and for the re-occupation by German troops of the demilitarised areas of the Rhineland. In his answers to these charges the defendant gave chapter and verse. The western powers had been remiss in not themselves disarming so that the Reich had been obliged to follow their example and maintain armed forces. Moreover, not only had they refused equal rights to the Reich but France had concluded a pact with the Soviet Union and extended her period of conscription, while Russia had increased her military forces by more than half, and Poland and Czechoslovakia had been manifestly rearming.

Neurath maintained that these acts formed clear cases of provocation and justified the counter-measures taken by Germany. He pointed out that even when leaving the League she had left the door wide open for further negotiations and had proposed radical disarmament, asking only for a guarantee of reciprocity.

Counsel for the Defence substantiated all these points by carefully selected excerpts from various documents all calculated to show that the former Foreign Minister had done all that was possible in the cause of peace. The

Prosecution, however, would not accept this plea, for it contradicted the official Allied interpretation of the history of those years. There could be no compromise on the question of the war-guilt. Even the accused's personal good faith was not established; it seemed absurd to us—but the charge of having aided and abetted in the preparation of aggressive war was allowed to stand.

Speaking of Hitler's Austrian policy Neurath stated emphatically that he disagreed with it on many points. Under cross-examination he insisted that he had advocated an *anschluss* brought about by peaceful means which he could not consider a crime; and reminded the Tribunal that at the time of the absorption of Austria into the Reich the western powers had in no way indicated their disapproval. He said that when Lord Halifax came to see him in Berlin in November, 1937, he had said that people in England would never understand why they should go to war because two German nations wished to become united; though, with some irony, he added that at the same time the British Foreign Office had let it be known in Vienna that England would offer Austria full support if she wished to resist Germany.

In the early days of Neurath's service in the Nazi Government Hitler used to welcome his Foreign Minister's advice; but this state of affairs changed under Ribbentrop's influence as a result of which German foreign policy began to show signs of being run on two different principles simultaneously. Neurath frequently protested against this interference and more than once offered to resign, which generally resulted in Ribbentrop's influence being slightly curbed for a while. In the long run, though the position was untenable and in 1938 Neurath finally gave way. He wished to resign altogether from the government but consented to accept the appointment of "President of the Secret Cabinet Council". The title sounded important enough but in fact the "Council"

never once met; it was a stillborn conception and was evidently never meant to be anything else.

Now Sir David tried to breathe some life into this defunct body and at the same time discredit the reasons Neurath gave for his resignation from it. If, he asked, the defendant really resigned because of his disapproval of his Leader's adventurous foreign policy, then why had he after his resignation personally accepted a British note and handed over an official answer to it on the very day the German army swept into Austria?

The reply was simple. The accused had done it because his successor Ribbentrop was in London at the time when the British note was received and answered.

But had not Neurath on 26th September, 1938, at the height of the Sudeten crisis boasted of having been instrumental in bringing about the Munich Conference? And was that the act of a man who had resigned his office because he disapproved of Hitler's foreign policy?

Here the witness admitted his intervention in foreign affairs, but said he had done it for the sake of peace. Had not evidence already been shown that after Munich Hitler had felt cheated of his triumphal march into Prague?

So long as the indictment dealt with foreign policy Neurath seemed to hold his own very well, but as soon as Sir David started to examine him about his activities as Protector of Bohemia and Moravia there were signs of change—though he was able to prove that at the time of Hacha's visit to Berlin and the actual creation of the protectorate he had had nothing to do with the arrangements for taking over the country, and had in fact known nothing about it except what he read in the newspapers. Moreover when on 18th March, 1939, he had been offered the post in Prague the key directive given the new governor of Czechoslovakia had been *reconciliation*; which was what had made the office so tempting to him. Nor had it

seemed a by any means impossible task, for the Czechs were bitterly disappointed at having been left in the lurch by their erstwhile allies in the west and were quite prepared to respond to decent treatment.

Neurath more than once told me personally that he considered the war a calamity due entirely to the stupidity of his successor at the Foreign Ministry (Ribbentrop). Nevertheless he had, he said, considered it his duty to remain at his post so as to mitigate as far as possible the inevitable tension within the protectorate.

It took some time for him to realise how powerless he really was in the area for which he was supposed to be responsible. People were arrested or otherwise victimised without the Protector hearing of it till much later, and then only by the most roundabout ways. The police and S.S. did not come under his jurisdiction, having been entrusted by Himmler to a Sudeten-German called Karl-Hermann Frank who was as a result the real master of Prague. Moreover every German Ministry had its own liaison officer in the Protector's office and these men had not only the inclination but the power to interfere with Neurath's earnest desire to respect Czech provincial autonomy.

A serious state of affairs arose in October, 1939. October the 28th was Czech Independence Day and was marked by the students of Prague University with noisy demonstrations, which considerably increased when a victim of earlier unrest was given his funeral. As a result of these disturbances Hitler took a hand in the matter and ordered Neurath, Frank, the German Military Commandant, and several Czech Ministers to report to his headquarters where he scolded them like so many school children. Silently they crept away from the Leader's presence; only Frank was bidden to stay behind. A few hours later when Neurath went to the aerodrome he found that his personal aircraft was no longer there.

Frank had used it to get back to Prague without even bothering to let the old man know; Neurath returned to his protectorate by train.

When he got back to Prague he found the city plastered with posters announcing the closure of all Czech Universities for three years, the arrest of 1,200 students, and the shooting of nine ringleaders of the recent demonstration. Neurath was particularly astonished to see the proclamation signed by his own name and expressed his indignation to Frank in forcible terms. The nine ringleaders had already been executed but Neurath managed to get 800 of the arrested students out of gaol at once, liberating the rest in 1941.

At this point Sir David's cross-examination became particularly vehement. He put it to the witness that no one had in fact abused his name and that he had himself been responsible for the proclamation.

Most of the available evidence seemed to us to contradict these suggestions. There were a number of statements made at various times by Karl-Hermann Frank (who was no longer alive to be cross-examined about them—the Czechs having hanged him on the market square of Prague) in which he unequivocally stated that Neurath had signed the fatal proclamation.

The old man on the witness-stand lacked the dexterity and quickness of mind to find a way out of the maze of conflicting testimony, and matters became even more complicated when two memoranda were produced which he had sent to Hitler's Chancellery at the end of August, 1940. One of them was his own work, the other originated from Frank; both dealt with the questions of the policy to be pursued in the protectorate. Hitler was to decide which of the two was to be accepted as a valid basis for future action. But in cross-examination both memoranda appeared practically identical, so that it seemed inexplicable that Hitler should ever have been asked to decide

between them: both sets of documents were submitted to the Tribunal by Czech sources.

It was indeed a complex question but an attentive listener, if he had the necessary good will, could unravel a few basic facts from the tangle. Some Gauleiters whose territory bordered on the protectorate had been desirous of dividing up Bohemia and Moravia and sharing its territory between their *gaus*. The plan seems to have been fairly far advanced and they had certainly reached agreement on it among themselves; but both Neurath and Frank were naturally against it and were thus for once in union about an important issue, though they still differed on the alternative measures to be taken if the partition scheme was abandoned. Frank wanted to put into force a series of drastic measures calculated to bring about the speedy assimilation of the Czechs within the Reich. Neurath was too good a tactician to oppose assimilation on principle, but he suggested that it be allowed to come about gradually. He did not want to over-antagonise the Czechs and was anxious to avoid trouble generally.

Under the Prosecution's scrutiny these subtle but vital differences between the two men seemed somehow to vanish, and it was made to appear that the accused had actually agreed with Frank's wild schemes. This excited him immensely and he actually accused Sir David of uttering a lie, his thin voice rising as he did so to the loudest tones of which it was capable. It was painfully clear to everybody that he lacked the ability to disentangle all this contradictory evidence and his lawyer intervened, pleading that his client was too tired to follow the argument. The Bench tried to clarify matters by a number of calm questions but the old man was exhausted and returned to the dock in utter confusion.

Dr. Lüdinghausen did all that was humanly possible to disentangle the confusion caused by this cross-

examination and produced, with a good deal of documentary support, explanations for everything with which his client was charged. However, the court was not convinced by them and its verdict was: Guilty on all counts.

This surprised us; naturally most of us felt that we were out of place in the dock, but we all felt that of the whole twenty-one Neurath least belonged there. The Party men from Goering to Seyss-Inquart, whether they were guilty or not, were children of the revolution and could therefore have no real complaints about the dramatic change which had reversed their careers. The generals and admirals may have been right or wrong to complain that the indictment was morally double-edged, but theirs is a brutal profession and they had, in fairness, to admit that a single torpedo on the high seas, a single bomb on Dresden, could cause more human suffering than this entire trial. Papen and Schacht had been used to move on a plane where failure was for ever liable to be mistaken for guilt. But in Neurath's long and placid life there had been nothing whatever to warn him of the fate that was lying in store for him. He was no revolutionary, no soldier, no reformer but a civil servant who though he rose high never crossed the dividing line that separates the maker of history from the mere administrator. He had been renowned as the very personification of honesty; and it was that which led to his downfall; for what Konstantin von Neurath was mainly accused of was that he had prostituted his good name and reputation to the benefit of Hitler and the Hitlerite conspiracy.

It was indeed this man's tragedy that Hitler had first used his good name and then sent him packing when he no longer required anything but blind obedience to his orders. And it was his hard fortune that at his trial he was examined by the ablest member of the prosecuting team—a man with whom he was altogether unable to cope.

CHAPTER THIRTY-SEVEN

Mystery About Bormann

AFTER NEURATH's hearing was concluded it was my turn to go to the witness-stand: I was the 19th and last of the prisoners to be called.

I was cross-examined by the Russian prosecuting team led by General Rudenko, who proved to have made a most thorough study of my speeches and letters; documents of which in spite of many applications I had no copies. However in the end it transpired that the best the Prosecution could do was to put before the court a number of interpretations of my words and conduct which were all easily refutable, so long as one's memory functioned well. During my hearing I was amazed to find how the intense concentration demanded increased my powers of recollection, which indeed developed to an almost uncanny extent. Often enough when Rudenko repeated words I had spoken years before I would see in a flash just where he had quoted out of context, where the meaning was deliberately distorted, and where the error was due to faulty translation.

Even so it was not always simple to clarify error after error, each of them put before the court with a wealth of recriminatory oratory. Often one got tired of a struggle that seemed hopeless. At such moments of depression my fellow-defendants came to my rescue; during the lunch interval one would give me a word of encouragement, another a piece of useful advice, while yet a third would perhaps offer me an extra slice of bread. Goering once gave me a cigarette, to be quickly and blissfully inhaled in the lavatory and Keitel a precious bar of Schoka-Kola, a stimulant that he had saved through many weary

months including his own exhausting cross-examination. Whoever has had to face a steady shower of hostile questions—and I had already had experience of such an ordeal in the Lubianka—will understand what such comradely support meant to me.

I got no less encouragement from observing the effect produced on the court by my refutation of the Russians' more crude allegations. General Rudenko doubted my sincerity when I maintained that at the time of the invasion of Poland I believed that Germany had not deliberately caused the outbreak of war; when however I was able to point out that my private views in 1939 were in harmony with those of the Government of the U.S.S.R. and all the Russian newspapers, for the first and only time during the trial there were signs of something approaching hilarity to be observed on the Bench.

On other occasions the mien of two of the western prosecutors showed me clearly that not everybody in court was as deaf to my arguments as Rudenko and this, too, encouraged me to make further efforts to clarify the various false constructions put on my behaviour. Finally the Russian prosecutor, betraying distinct marks of irritation, retired from the rostrum and I was left with an opportunity to answer his final statements. It seemed to me that while his cross-examination was as sharp as could be expected its intellectual standard left much to be desired. A few days later I was, once again, severely cross-examined.

Hess and Frick had refrained from giving evidence on their own behalf and had left it to their counsel to argue with the Prosecution. But there was yet another defendant, listed as No. 22, though he was not seated among us in the dock. His name was Martin Bormann.

Considerable mystery surrounded the personality of this man and his activities as Hitler's last and closest collaborator, moreover his whereabouts since the evening

of 1st May, 1945, were the subject of a good many conflicting reports. To us the Tribunal's motives for allowing proceedings to be taken against him and concluded in his absence seemed almost as mysterious as the man himself.

Few facts, but many claims and imputations as well as a good deal of sheer guesswork, were produced about Martin Bormann. Before the Nazis' advent to power he had been on the supreme S.A. (Storm troops) Staff, and had also administered the assistance funds maintained by the Party for its needy and deserving members. In 1933 he had been appointed Chief of Staff to Rudolf Hess, the Leader's deputy. Hess, who was always a queer idealist and a dreamer, knew very little about his own powers; his Chief of Staff however was not only well aware of their extent but knew how to use them.

When Hess flew to England Bormann was his obvious successor, and though he had to be content with the modest title of "Chief of the Party Office" and take official rank in the party hierarchy behind most of the Nazi paladins, he soon gained more actual power than any of them. He knew how to make himself indispensable to the Leader, arranged who was and who was not to see him, and became the channel by which his orders were transmitted to the Party. In time Bormann gained a vital influence on Hitler's thoughts and plans, and it was generally assumed that it was mainly due to his influence that shortly before the end both Himmler and Goering fell into disgrace. As the last days approached Goebbels alone shared with Bormann Hitler's confidence.

The vanished defendant had no friends. Neither in court nor in private talks with my fellow-prisoners did I ever hear a single friendly word spoken of this man whose good will had once been so avidly sought. I myself remembered him as the exponent of all the harshest measures in the conduct of the war as well as in domestic and party affairs. Often enough I had had to cope with

the complaints from his office because, for instance, hymns had been broadcast or a religious service introduced into a Sunday programme: at least half of the more unpleasant instructions which came to me from Goebbels were either directly or indirectly inspired by the Propaganda Minister's fear of Bormann.

Now as he was tried *in absentia* it was shown that this stocky dark-haired man with the face of a peasant had always been regarded as a tyrant; his subordinates, even down to the typists, had been full of resentment against him, and he had been on bad terms with his family and closest relations.

Among all the mass of evidence brought to light at Nuremberg one common denominator was apparent; practically all the more sinister orders and directives issued by the Nazi government had at some time or other passed over Bormann's desk. It was he who had insisted on stricter treatment for certain groups of foreign labourers; it was he who had prohibited decent or decorous funerals for Russian prisoners; it was he who had initiated the demand for half a million female servants to be imported from the east; it was he who had withdrawn groups of prisoners of war from army administration and handed them over to Himmler; his signature stood under the order to leave enemy airmen saved by parachute to be lynched by the populace.

Bormann was the creator and head of the Volkssturm, by whose agency boys and old men were uselessly sacrificed during the last stages of the war, and it was Bormann who was largely responsible for the extermination of the Jews. There was some evidence to show that he was actually present at the meeting when Himmler and Heydrich were given their orders by Hitler for the "final solution" of the Jewish problem. In fact this missing defendant was right in the midst of that tangled political net of which ordinary Germans knew at most a thread or

two and the majority of us prisoners no more than a few meshes. He was one of the very few who knew the thing's full extent and complexity.

Had an attempt been made to use the case of Bormann to shed more light on the widespread ramifications of that net I could have seen the sense of indicting this sinister man *in absentia*. But no such attempt was made, the prosecutors being content with laying bare sufficient facts about his career to procure a verdict of Guilty. Evidently the Prosecution was aware that any deeper probing into the case of Bormann might serve to exonerate some of the other accused who since they were actually present in the dock were perhaps more interesting and certainly more tangible.

Bormann's counsel, Dr. Bergold, was well aware that any attempt to justify him would be contradicted from the dock, and he therefore contented himself with trying to prove that his client was no longer alive.

I myself had seen Bormann for the last time on 1st May, 1945, at eight p.m., when he was setting out on his desperate attempt to break out of Berlin. One witness, the driver Kempka, stated that a few hours later at a place just north of the Friedrichstrasse Station he saw him crumple up and fall when a tank, behind which he was seeking cover from enemy shell fire, exploded.

This statement seemed to be in conflict with the evidence of the last Nazi Youth Leader, Axmann, who thought that he saw Bormann's lifeless body in the early hours of the next day some miles north of the locality mentioned by Kempka. Axmann however had neither time nor opportunity to make a closer scrutiny of the corpse. Thus whilst Goebbels's body had been found and Hitler's death proved beyond doubt by the identification of bones and teeth, there seemed no trace whatever of Bormann.

During my captivity in Russia I had noticed with some

surprise that while I was closely examined about almost all the leading figures of the late régime I was never once questioned about Bormann. On one occasion in answer to some enquiry I mentioned that Bormann had tried on 30th April to establish telephonic communication with Soviet headquarters, but the obvious cue was not taken up and the subject allowed to drop. Another time when I mentioned casually that I had demanded and obtained from Bormann the dissolution of the Werewolves I found that this information seemed not to interest my interrogators at all. They gave the impression of being far more concerned with secret transmitters, hidden arms and so on. When I said that I knew nothing at all about such matters they smiled ironically and went on questioning me until I mentioned that if any such things had been organised the brain behind the scheme would almost certainly be Bormann's. After that they dropped the subject and never referred to it again.

When I told Goering of these observations he said he thought that dead or alive a man of Bormann's standing would have attracted the attention of the Russian intelligence, even in the inferno of those last days in Berlin. The Field Marshal considered Bormann capable of any kind of political double-dealing; but it must be admitted that he was not altogether unbiassed for Bormann had done his utmost to have him shot. Others who knew Bormann well considered him incapable of long premeditated treason; the man's blind devotion to Hitler being almost the only unmistakable thing in his devious and obscure nature.

Nevertheless I came across a good deal of evidence which led me to think that in the last phase Bormann, like Hitler and Goebbels, felt an increasing sympathy and a good deal of respect for the Russians. Rightly or wrongly these men had felt disappointed in England and America when, even after the invasion of eastern Germany, they

had continued their attacks on us, especially their air-raids which, in that final phase, only served to slaughter defenceless civilians.

At Nuremberg all the prosecutors, including the Russians, dealt with the case of Bormann on the assumption that he was still alive and in hiding; the judges simply assumed that the death of the accused had not been proved. He was sentenced to be hanged, and the court left it to the discretion of the Control Council to review this verdict if and when the missing man should reappear.

Was there really some mystery about Bormann? We did not know, but a number of us believed that at some time or other he would reappear even if we ourselves were not alive to see him.

CHAPTER THIRTY-EIGHT

A Cold Shower

IMMEDIATELY AFTER the conclusion of the evidence counsel for the Defence were to make their final speeches. Our fate seemed to be close at hand.

A sense of urgency now appeared to have overtaken the Tribunal and the time available for each speech was strictly limited. After all the months which had elapsed since the trial began the question of a few minutes here or there suddenly became one of importance; and we all felt that there was no longer the slightest chance of the special and peculiar features of our individual cases being dealt with in the brief time allowed.

But it was soon apparent that this limitation was a blessing in disguise. Among other things it entailed a certain division of labour among the lawyers who shared out among themselves the responsibility for dealing with various points of general principle and thereby avoided much repetition, as well as the cutting out of many long-winded references to documentary evidence which was simply submitted direct to the court with a covering note.

The opening speech was made by Professor Jahreis who tried to uphold the legality of certain functions of an authoritarian state; a legality which he claimed was not affected by the feelings of those who, like himself, were opposed to that form of government. Significantly enough such theoretical arguments caused vehement resentment among some of the accused, though they were in fact both interesting and instructive.

How all the accumulated evidence both for and against the prisoners could have best been assessed for each individual case was, and must remain, a matter of

opinion. But there could be no doubt that the concluding speeches of most of the defence counsel were remarkable achievements, and deserved more public interest and fuller coverage in the press than was given them.

The effect of the concluding speeches for the Prosecution which followed was that of a douche of ice cold water. One might well have thought that there had been no evidence for the Defence and no explanations; what we heard was, almost down to the last detail, what we had been told at the beginning of the trial when the indictments were first read out in court. All the many months which had elapsed since then seemed to have been a mere waste of time, all our work a mere waste of effort.

Nor did there seem to be any difference—except in tone—between the eastern and western prosecutors; they all appeared equally determined to ignore the results of the evidence. The Prosecution seemed resolved on the conviction of every man in the dock.

To us this seemingly absolute refusal to recognise any exonerating or mitigating circumstances detracted from the plausibility of the arguments even where there was some real evidence of guilt. At every interval in the speeches Goering would laughingly point out yet another instance of an unfair assessment in support of his thesis that this was not a fair trial but a political exhibition at which we might expect nothing but hostile treatment. Naturally enough the hopes which here and there had raised their heads fell away into despair.

We were now reduced to awaiting in silence whatever fate the future held in store; we had done what we could, apparently without avail.

However fair the procedure of the trial might appear on the surface, we could not but see how heavily the dice were weighted against us. For out of the hundreds of thousands of available documents the Prosecution had been able to pick out a few hundred and then, with

supreme forensic ability, use them to build up a complete picture of a criminal conspiracy.

In our individual evidence we had each tried to take parts of the complicated jig-saw from where they had been placed and put them where they really fitted. In that attempt we had had in our favour the fact that, unlike the Prosecution, we were familiar with the detailed routine of our respective departments of state; but on the other hand we had been greatly handicapped by the absence of our office records which were at the disposal of the Prosecution alone.

Wherever one of us was faced with clear evidence that he had been involved in a criminal act I, for one, thought that no attempt should be made to shirk the consequences; though obviously every prisoner ought to have the right to disclaim his personal share in the atrocities. The most vital issue from every point of view was to prove that it was not a knowledge of the atrocities committed, or complicity in them, that had been the bond that tied us to our Leader; but that on the contrary had we known then what we knew now we should have ceased to follow him. Had we, we asked ourselves, succeeded in making clear this vital distinction?

It seemed to us that the one and only point of difference between the opening and concluding speeches of the Prosecution lay in its treatment of the question of collective guilt. Somehow, in the course of the trial, our accusers seemed to have become a little less ready to charge every National Socialist, indeed every German, with a share in a common responsibility for the events of the past few years. In a few weeks now we would have our last chance to speak on our own behalf, and we were all of us determined to say something on this question of collective guilt in our final addresses to the court.

Before this last stage in the proceeding was reached, however, the case against the indicted Nazi organisations,

had to be disposed of. To save time the Tribunal had at an early stage in the trial appointed a commission to deal with every point which it was not considered necessary to raise in open court. The commission sifted through nearly 200,000 affidavits and saved many hours of discussion by taking it upon itself to deal with all the inevitably protracted arguments about the admissibility of the evidence submitted.

The more important results of this work were heard by the Bench in public session, a fifth of the commission's witnesses being instructed to appear in court. All the rest of the testimony was collected into huge volumes and submitted to the Bench in this form, each of the judges receiving a version in his own language. But in spite of this efficient technique for dealing with such masses of material it still took a month before the case against the organisations could finally be dealt with in court.

Frankly I have never quite grasped the connection between the indictment against us twenty-one prisoners and that against these organisations comprising millions of members. It would have made better sense to me if any of the organisations' real leaders had been sitting in the dock beside us: but that was not the case. It seemed to us that the Allies wished to establish the criminal character of various corporations so as to provide grounds for individual prosecutions of their members. Naturally the Defence adduced weighty arguments against such a proceeding, apparently with some measure of success; for it became evident that the Tribunal was growing aware of the impossibility of attributing collective responsibility to millions of persons. Indeed the American prosecutor Jackson said in so many words that it would be impossible to reach a verdict on four to five million men and women collectively, and that evidence of individual guilt would be required in each separate instance.

This important principle was in fact included in the

final comments which the court made in justification of its verdict; by which time it had long been clear to us that our own indictment was to be no more than the forerunner of many others, and that the attempt to establish once and for all the criminal character of certain mass organisations was designed simply to save the repetition of identical legal arguments at hundreds of subsequent trials. Yet soon after the end of our own ordeal any number of men were sentenced on account of their membership of one of the organisations judged to have been of a criminal nature, in complete disregard for the principal that proof of individual guilt was necessary for a successful indictment.

As for us, we began to realise as we watched the great forensic battle about the legal status of the Nazi mass-organisations, that there was something more important than our individual fates at stake in the hall at Nuremberg. Here the future of millions was in the balance; but there was nothing at all we could do about it. We could not even say what we felt.

CHAPTER THIRTY-NINE

The Final Speeches

THE DOCK still stood in its place in the hall of the Tribunal and the pale faces of the guarded and isolated prisoners still showed up in curious contrast to the bustling, colourful crowd in the serried tiers above. Yet the atmosphere of the court had somehow changed; we did not seem any longer to be cut off from the men and women about us by the icy barrier of which we had been so conscious in the first months of the trial. Imperceptibly, without a word being spoken, a kind of human contact had in course of time sprung up between the occupants of the dock and many of the interpreters, stenographers, and spectators. We were even conscious of a change in attitude towards us of certain members of the Prosecution.

The twenty-one accused, who at the beginning of the trial had appeared simply as an undifferentiated group of ogres, had now become twenty-one separate individuals each with his own life, work and hopes. Inevitably, and quite aside from the question of whether we were to be considered guilty or not, we had reverted to human status. What had once been so many political caricatures had resolved themselves into the faces of men.

One day I was given a curious example of this change of feeling. As I was being escorted along a passage in the court buildings which was open to the public a woman suddenly approached me. I recognised her, for her earnest expression had more than once caught my attention as she sat in the public gallery. Now she spoke a few hasty words of apology in English, and then before I could even grasp the meaning of her words she clasped my hand and bowed deeply to me. In some embarrassment I removed

my hand from hers and hurried on my way. That evening I told the American pastor about this incident. He sought the woman out and learned that she was an American of Russian descent who had carefully watched the entire trial. She told him she had been deeply shocked by the evidence produced in court, yet at the same time she had felt ashamed at the attempt to hold us all responsible for the misdeeds of a number of individuals, and had felt the urge to demonstrate this on behalf of all the Americans who shared her opinion to at least one of the accused Germans.

To most of the twenty-one prisoners in the dock the months of July and August, 1946, also brought about a marked change of outlook. For one thing we were beginning to disentangle our thoughts from that pre-occupation which the trial had made uppermost in them for so many long months. For another it should be remembered that all through the six preceding years the majority of us had been in responsible positions which demanded not only a good deal of overwork but that singleness of purpose which is only too apt to make one blind to anything except the task in hand. Now at last we were beginning to regain a more normal perspective. Thus although the end was near and most of my fellows had no illusions about their fate, it was noticeable how much the painful tension of their faces had relaxed.

Of course even now we had many black days when it seemed impossible to rid oneself of thoughts of the past and of the grim impending future. Many an hour was poisoned by the foolish question: Why must *I* suffer all this, why should it not be *he* who gave *me* orders in the old days?

But all of us in some way or other managed sometimes to rise above physical fear. One man would draw courage from the very inevitability of his fate; another, knowing that it was merely his mortal shell that the victorious

Tribunal could dispose of, would find solace in his own scale of moral values. A third would get relief from the very thought that at long last he could speak of the past without for ever striking the attitude of the innocent defendant; and would feel it a comfort to review what had happened objectively and dispassionately.

The talks we had with one another began to lose their egocentric unbalance and gain in depth. We would veer away from a fruitless preoccupation with the causes of defeat and turn to the problem of how Germans would survive and build a new life. More and more our thoughts turned to the resurrection of the nation. Goering adhered to his old convictions that any such resurrection could come about only through a revival of national feeling, which he said was sure to come, even if it took generations to grow to full strength. Rosenberg, who seemed to have acquired some fresh material for his racial theories, predicted vital changes within the American nation and its ultimate biological decay; he believed that the Russians would be the ultimate victors of the war. Jodl spoke of new weapons and changed political alignments; he could see no end as yet to the great powers' bloody struggle for world supremacy and expressed his fear that Germany would be the main theatre of future wars. Frank lost himself in romantic notions of the Twilight of the Gods and said he had no wish to imagine what would happen after "the end". But most of us thought that we saw already the first faint beginnings of a future supranational political organisation and listened hopefully for such names as that of Victor Gollancz and others who preached the end of hatred, even while it seemed still triumphant.

In prison one knows little about what is going on in the world outside; yet we hoped that what we had learned from our trial might find its way through the bars and benefit others. We had learned that it is wrong to give

any man power over others without keeping him under strict control, for there seems to be no human who cannot be corrupted by power. And secondly we had learnt that a stop must be put to hatred; for hatred is wrong at all times, and its consequences in an era of gas chambers and atomic weapons are infinitely worse than they were in the days of the guillotine in the West and the knout in the East.

In a talk I had with one of the professional psychologists he said: "Back home in New York I have a baby boy twelve months old. I want to see to it that he will never have to take the road to the gas chambers which millions of my fellow Jews were forced to take." I was deeply shaken by the realisation that in this twentieth century of ours a man could be driven to feel the need to express such a desire. I did not feel entitled to offer any advice; but I never ceased to repeat when I saw him my question as to whether collective vengeance was a useful means for obviating such dangers. The psychologist eagerly denied that it was, but I remained far from sure that he really meant it.

Some of us could never get away from their impending personal destiny, even if they were able to face it without fear. Streicher used to say: "I am going to celebrate Christmas in Valhalla"; and Frank found solace in the thought that soon now he would be rid of the errors of his ways and able to start a new life all over again in the hereafter. Sauckel was weighed down to more mundane thoughts by constant worries about the fate of his numerous family; he was desperately frightened of death.

Schacht appeared completely unconcerned; he confidently expected an acquittal and devoted his time to making plans for the future. One day he explained to me the meaning of the badge which one of the interpreters wore on his lapel; it was the badge of the V.V.N., the

Union of those persecuted by the Nazis. Schacht wanted to have one himself.

Papen was as reserved and smiling as ever, and Neurath studied the reports of the agent who was administering his estate for him. The fruit crop seemed to be a good one that year, but the condition of his cattle left much to be desired. No one of us doubted that this prisoner would soon safely return to his ancestral property; he was one of the few of us who had a home to go back to. As for Frick and Funk they seemed to have nothing either to say or to hope for.

One Sunday I found myself alone, except for the guards, in the prison courtyard with Keitel.

The others had already been out in various groups and we two happened to form the tail end of the prisoners' exercise. It was a beautiful and very sunny day; through the tall windows of the prison church came the strains of the organ and the solemn music seemed to add to the blissful peace in the yard. For once the prison atmosphere seemed hardly noticeable. Then I saw that Keitel was circling round and round a tiny piece of untrodden lawn, anxiously looking over his shoulder to where the guards were walking up and down; evidently he meant to do something that was not permitted and was setting about it so clumsily that he could not fail to attract attention. I passed close by and whispered: "Hurry—move on." After I had gone on several paces I turned and saw him quickly stoop and pick something up. "Look," he shouted, "a four-leaf clover! Do you think it will bring me luck?"

One of the guards came up and took it away. It was forbidden to stop or stoop down, and it was very strictly forbidden to pick anything up from the ground. It had happened more than once that a prisoner who had been seen to halt and pick up something—it may have in fact been a flower—had been stripped and subjected to a

thorough examination to see if he had an instrument or weapon concealed on his person.

In those final weeks our conversations with the prison officers lost much of the tension and suspicion of the early months. We, too, had come to know each one of them as a person. At the same time the weekly services in our small prison chapel became more and more solemn and moving and gave us much solace.

It was not that any of the extremely strict rules and regulations which governed our existence had been changed or even relaxed; but somehow they seemed to be administered in a more humane fashion. Was it that the guards were more considerate or that our nerves had become better attuned to the routine? I do not know, but whatever the cause the original tension seemed to give way in those last weeks to an atmosphere of peaceful resignation. And it was in such a spirit that each defendant devised the last words he was to utter at the trial.

We were to speak from the dock, not the witness-stand, and had been told that no long speeches could be tolerated. No address was to exceed a period of fifteen minutes.

Some of us who had prepared drafts of sixty to seventy pages felt deeply shocked by this limitation. But in the end we almost all realised that it was best for these "last words" to be reasonably short and significant; they would not make any difference to the verdict.

The only one who here, as always, did things in his own way was Rudolf Hess. He had originally told his lawyer, Dr. Seidl, that he did not wish to make any statement at all and had afterwards said the same thing to Goering. However when his turn came to speak he surprised everybody by rising, taking some sheets of paper from his pocket, and beginning to read them. At first his words made sense and he expressed a number of reasonable criticisms of the Tribunal's procedure; but soon he discarded his manuscript and began to rave. He spoke of the

eyes of those who had guarded him during his sojourn in England, in whose evil glance he claimed to have discovered some strange mystery; he was now, he said, going to reveal that mystery, but he was never able to concentrate his thoughts for long enough. He would wander off at a tangent sometimes uttering words in which no meaning at all could be found, sometimes reverting to those mysterious and sinister eyes.

It was a pitiable exhibition, painful for all of us. Goering who sat next to Hess tried to persuade him by gestures to sit down and when this had no effect pulled at his sleeve whispering: "Stop! Stop!" One could distinctly hear the whisper through the amplifier, but Hess was not to be put off and went on and on. The Bench evidently felt that of all the defendants this one at least ought not to be made to conform to a time limit and Lord Lawrence patiently waited for more than forty minutes before, at long last, he brought the sick man's painful exhibition to an end.

All the other prisoners found on that solemn occasion words rather above their usual standard; and while they manfully admitted having made mistakes, none of them betrayed the cause he had believed in. Moreover all of them looked beyond their own personal positions and addressed their words rather to their own unhappy compatriots than to our victorious enemies. Each, when his turn came, rose with dignity and spoke with a firm voice; most of us reading what we had to say though some spoke without notes. There was not a prisoner who failed to give a personal and particular quality of his own to his words, though none of us knew beforehand what his neighbour was going to say. Somehow we all had been shy of looking at each other's drafts.

To me these speeches seemed the most dignified made by any of the accused during the whole trial, and to judge by the respectful silence in which they were received in

that crowded hall, the court and the public were of the same opinion. Their attitude, indeed, seemed to me no less dignified than our own.

I was the last to speak and when I had finished we were shepherded back to our cells. The Tribunal had adjourned indefinitely for the Bench to consider their verdict.

While this was going on very strict security measures were taken and all the judges and their assistants, together with their huge staff of interpreters, stenographers and servants went into isolation.

For us the last weeks of waiting in our prison cells dragged on unbearably. One day while we were having our usual walk in the courtyard we noticed a supply of timber being delivered at one of the gates and presently we heard the sound of carpenters at work. We were told that a new fence was being erected in the garden behind the prison.

We knew better. It was the gallows which was being put up in the gymnasium, together with a stand for spectators. By listening to the noise of the carpenters' tools we were able to follow the progress of the work.

During those last weeks the American officers did their best to grant us every reasonable wish and we were permitted to meet in groups of three or four; each of us being allowed to issue invitations on two separate occasions to whichever of his fellow-prisoners he chose. No limit was placed on the number of invitations we might accept from other prisoners.

At these meetings the four of us would sit round a table in a special cell put aside for the purpose with guards behind us. Cards and board games were offered us but we never used them; we wanted to talk, and we had in point of fact both good and useful conversations together. Even such outsiders as Streicher and Kaltenbrunner and lone wolves like Frick received their invitations; no one was left without a chance of enjoying at least for once the

solace of such a reunion. When our hour was over a guard would shout "Finished", and there would be the next group waiting at the door.

After long deliberation and laborious preparations the accused were allowed visits from their wives and children. It was not the Commandant who granted us this privilege, but a special order issued by the Tribunal. It was the first opportunity we had had to see our families since the beginning of the trial or, for many of us, since the surrender.

The families* were informed by telegram when they were to appear and the respective occupation authorities were instructed to deal with the problems of passports and transportation; while living quarters for the visitors were provided at Nuremberg by the Tribunal. The Russians declared their readiness to join in these arrangements but failed to live up to their promise. Admiral Raeder hoped to see his wife who after being interned with him in Moscow was now living at Luckenwalde, near Berlin. Frau Raeder repeatedly received invitations to come to Nuremberg, and in desperate letters described her efforts to get permission from the local authorities. Finally the Tribunal itself took a hand in the matter and instructed the Inter-Allied Control Council to obtain the necessary permission for her. The Council (which of course included Soviet representatives) officially requested the Russian occupation authorities to grant Frau Raeder the promised facilities, which they readily agreed to do; but still she did not appear. After a time there ceased to be any news from her whatever and she was not heard of again for three years. It then appeared that the Russians had put her into a concentration camp at precisely the time that they had promised to allow her to visit her husband.

Another prisoner's wife had no difficulty at all in finding her husband. Frau Streicher was able to attend regularly at the prescribed visiting hours, being simply escorted

down from another floor of the same prison where she was being held as a witness.

It was heart-rending to see one's next of kin in such a situation, to have to speak to them through glass and wire-netting, and to be unable to help them in their struggle to maintain a bare existence. It was only now that many of us learned of the material plight of our families, who indeed still concealed the full extent of their hardship so as not to add unduly to the burden on the prisoners' minds. In point of fact some of them had to endure what amounted to downright persecution.

During the period they spent in Nuremberg the visiting families were looked after by the two American clergymen who saw to it that the grim atmosphere of the gaol was not too obtrusive. But all physical contact between prisoner and visitor was literally impossible, and the handing over of the most trifling gift, such as a cigarette, out of the question. Hence it is quite wrong to assume as people have done that the poison phial with which Goering committed suicide was given him during one of these visits: the wire-netting alone would have made it impossible for even so small an object to be passed through. Moreover the guards had very strict orders which they carried out painstakingly, and sat near to us throughout the entire period of every visit.

To describe adequately the emotional impact of these meetings on the prisoners would be impossible; some were hard put to it to maintain their composure and it was on a visiting day that, for the first time, I saw Goering's usual imperturbability forsake him.

On Saturday, 28th September, the visits came to an end, and on Sunday there was deep despondency in all the cells.

On Monday the adjournment was over.

CHAPTER 1011

Finale

AS WE were taken to our places in the dock we could see that the hall was full to the last seat. Press, radio and newsreels were represented even more numerous than usual; but there was none of the usual bustle of conversation, and even before the Marshal of the Court made his customary plea for silence there was utter quiet.

First came the general summing up which was to precede the verdicts, and in which the entire course of the trial with the main points argued was reviewed. This summary made it fairly clear that on the whole the court had allowed the arguments of the Prosecution, and accepted the evidence of many documents to which the Defence had raised serious and well-founded objections.

That night we returned to our prison cells in a very subdued mood. Next morning we were to learn our fate.

On Tuesday we found the court room strangely changed. While there was the same overcrowding and the same respectful silence, the bright lights which for over ten months had shone into every nook and corner of the hall were considerably dimmed. The Tribunal did not wish the prisoners to be photographed at the moment of listening to the verdict.

We were both surprised by such an unexpected show of tact and at the same time somewhat astonished by such a lack of reliance in our composure. As a matter of fact the gaps left by the absent photographers were well filled by the radio reporters who were all over the place in their little glass cages, broadcasting in every conceivable language. These men carefully watched our every gesture and reported our expressions down to the flutter of an

eyelid; which meant that we had each of us to, as it were, put on a mask, for we felt we must on no account betray the frightful excitement that had gripped us.

First came the verdict on the indicted organisations which certainly produced some surprise. The Reich Government, the S.A., the General Staff, the Supreme Command of the Army and various other bodies were declared not to be criminal. Could that mean, we asked ourselves, that on at any rate some points, the court had after all disregarded the arguments of the Prosecution?

Then it was our turn. We were to remain together in the dock to hear the general judgment of the court as well as the verdict Guilty or Not Guilty, on the four counts preferred against each of us; then the sentences would be passed separately, each man who had been found guilty standing alone to hear the nature of his punishment. The eight judges took turns in reading the judgment and verdict on each case.

There was dead silence in the overcrowded hall, as the words Guilty or Not Guilty were announced on count after count. Most of the defendants, as soon as they had heard what concerned them personally, took off their earphones so as not to be distracted while they pondered the meaning of the verdict, in which nothing had been said about the sentence to come.

In the midst of all these verdicts there came the total acquittal of Dr. Schacht who accepted it nonchalantly, as his due. When Papen heard the redeeming word his face flushed for a moment.

As far as my own case was concerned I had deliberately refrained from speculation. I had tried very hard to suppress all emotion, simply registering what was being said. In fact I suppressed my receptivity to such a degree that I even failed to notice when the staff of the court changed shifts and for once neglected my customary nod to one or the other of these long familiar faces.

Suddenly I felt I was being stared at by one of them and looking up I saw an electrician forming a word with his lips which could not be anything but "Freispruch" (acquittal). I shook my head and shrugged my shoulders. The gesture was repeated and I became worried that it might be observed. I looked around and my glance rested on one of the leading prosecutors who evidently *had* observed the little incident, for he nodded his head as if he wished to confirm the message and moved his lips to form the same German word.

At precisely this moment I heard the court's verdict on my neighbour Neurath who was found guilty on all four counts. The old gentleman was very excited, and I feared he might suffer a stroke so that owing to this temporary preoccupation I heard little of Lord Lawrence's initial remarks about my own case. I only recovered my full capacity of attention when he reached the passage ". . . not guilty in the meaning of the indictment and to be dismissed by the Marshal of the Court upon the adjournment. . . ."

The interpreter who translated these words sat little more than a yard away from me, separated only by a pane of glass. He spoke so softly that I could not hear him except through the earphones, yet, his voice and the voice of the British judge may well have seemed to me to sound like those trumpets which made the walls of Jericho crumble.

At that moment my thoughts raced back down the years to the day almost exactly a quarter of a century before on which I had embarked on a political career. Then too (it was soon after 1918) the world was full of atrocity stories, but none of them had tempted me to desert my plan for a quiet life of historical research. It was only when in the course of one of the current riots I saw a maddened crowd lynch a venerable old gentleman who was certainly in no way responsible for their troubles—it

was then only that I turned away from the quiet and more congenial contemplation of past history and considered whether it was not my duty to take a hand in the politics of the day. I had looked down into the hell of passions unloosed, and I decided to help discipline and organise those passions. Never for a day had I forgotten from what had sprung that first impulse to enter politics; and whenever friend or foe appealed to the baser instincts of human nature to make them serve his cause I had always offered resistance. And now at the end of this long road I had myself been accused of having been the servant of just such hellish forces. I gave a thought to the last stretch of the journey that had brought me from the Lubianka in Moscow to Nuremberg gaol.

My acquittal came to me as a complete surprise. Not because I felt guilty of war crimes and crimes against humanity, but simply because, right from the start, I had felt that I was being indicted as a deputy for a more powerful man and I therefore expected to be sentenced as a deputy too. Why else should I have been selected as a co-defendant with Ministers, Marshals and Reich-leaders in whose sphere I had never moved? Now the change came so suddenly that the very idea of survival seemed utterly strange—I did not know what to do with it.

The court announced the adjournment for lunch and the three acquitted men were asked if they wished to leave the prison immediately. We preferred to stay for a while with those whose fate was still unknown and so were taken down to lunch in the cellar, where a cloak-room had been vacated for the purpose. The rooms where we had been used to having our mid-day meal were evidently being put to some other purpose, but we were just as strictly isolated one from another as we had been in the past—though even so some of the eighteen managed to come up to the three of us and congratulate us.

After lunch those who had to wait for their sentences were shepherded into the room next door. I was standing next to the lift shaft by which, every morning, we used to be taken up to the dock when Goering passed by alone save for the guard who escorted him into the lift. We were all dead silent.

After a little while we could again hear the banging of the lift-door above. The box descended and Goering stepped out. He was chained.

When he noticed me he made towards me, the guard who held his chains allowing himself to be dragged along. The prisoner reached for my hand, shook it as well as he could, and said in a nonchalant, friendly tone: "Very glad you've been acquitted. We had a bit of a bad conscience as far as you were concerned."

I could not utter a word of the question that was on the tip of my tongue. I just could not ask him about his sentence, and he did not refer to it by as much as a gesture. Later I learned that when he spoke to me then it was just a minute or two after he had been sentenced to be hanged.

He turned away from me, bowed to the others, and was taken back to his cell.

We three acquitted men also returned that afternoon to the prison. We vacated our cells in the basement and were given for the time being accommodation on the top floor of the gaol, where the doors of our cells were left open. There was but one guard outside and his duty was only to see that we did not venture into the lower part of the building.

We leant over the railings of the landing and watched the heavy doors of the cells downstairs being unlocked, as one after another our former companions were brought back from the court; each one in chains.

A little later, Hess, Funk, Doenitz, Raeder, Schirach, Speer, and Neurath were moved up to the first floor; the

others remained in their old cells in the basement. It was now evident who had been sentenced to death: Goering, Ribbentrop, Keitel, Kaltenbrunner, Rosenberg, Frank, Frick, Sauckel, Jodl, Streicher and Seyss-Inquart.

These men never left the prison again. For a few minutes each day they came out of their cells into the corridor where they were marched up and down always handcuffed; a clergyman invariably accompanied them on this walk.

Papen, Schacht and I were taken that first afternoon of our acquittal to a press conference where we had to answer a good many questions. Unlike the other two I said there and then that having been acquitted by the enemy I now wished to explain my work and justify my motives before my fellow-countrymen. About the actual form of that justification, of course, my ideas were then rather different from those which later proved practical in the face of the new special legislation which provided for life-sentences (which they did not even dare call punishment but "penitentiary measures") for certain activities.

When we left the press conference Dr. Dix, Schacht's counsel, came to meet us. He told us that the building was surrounded by German Police and that we were to be arrested as soon as we were released by the Americans. To me the whole thing seemed like being taken out of a drama and asked to act in a farce.

We were advised not to leave the building, but to wait further developments. Colonel Andrus offered to let us stay for the night, but requested us to sign a statement that we had decided of our own free will to remain temporarily in the gaol.

This procedure had to be repeated for three nights running, because the situation was still far from clear. By Friday morning, however, I felt that I could tolerate this game of hide and seek under American protection

no longer and I therefore asked for an immediate discharge, in which Dr. Schacht joined me.

We were asked to wait another twelve hours. At about midnight two lorries drew up at the prison gate; Schacht got into one and I into the other, in which I noticed an American major sitting next to the driver. As soon as we were on board the two lorries at once dashed off in different directions.

After a few minutes rapid driving we stopped to listen for the sounds of someone following; all was quiet so we turned round and raced back the way we had come finally stopping outside the house near the Palace of Justice where my counsel lodged. On the entire surface of the globe there can hardly have been any other place where I could have spent that night, and it did not require much ingenuity on the part of the civil police to deduce that fact.

As he was about to leave the Major made a nice little speech, in which he said he had been ordered to convey to me the congratulations of the court and would himself venture personally to join in these good wishes. And would I now please consider myself a free man?

I could not help laughing: uniformed figures were already dimly visible through the darkness. The American insisted on seeing me into the house and up to my lawyer's room. "No one will ever find you here," he said as he departed, but no sooner had the door closed behind him than another opened and a swarm of reporters surrounded me.

After they had made notes of what they wanted to know I looked round the tiny furnished room which was Fritz's abode in Nuremberg. Most of it was taken up by a wonderful bed, complete with snow-white linen and real quilt and I determined then and there to deprive its rightful tenant of its use for the night.

Dr. Fritz was just considering where *he* was going to

sleep when the door-bell rang. The visitor, who was in mufti but carried a large pistol dangling from his broad leather-belt, proved to be Nuremberg's Chief of Police; in his wake came twelve of his men. With a sigh and a sad glance at the snow-white bed with its quilt I proceeded to pack my luggage into its cardboard box, when all of a sudden, an American Colonel put in an appearance. He had come post-haste, having been informed of what was happening, by the military police jeep which had been waiting outside.

Now things became lively and for a while it seemed uncertain who was going to arrest whom. However, in point of fact no one was arrested at that juncture, and after I had undertaken to appear at the office of the Chief of Police at eleven next morning Dr. Fritz's small bed-sitting room began slowly to empty. The Colonel stayed to the last and saw me into bed, having given me his personal guarantee that for that one night at least I should be undisturbed. He was as good as his word.

Next morning I found how he had managed to keep his promise. Our house was surrounded by a large cordon of civil police behind whom a considerable crowd had assembled; but in the immediate vicinity of the house and in the front garden there was a patrol of Allied military police who, though heavily armed, seemed to be on the best possible terms with the inhabitants with whom they were exchanging a good deal of banter and friendly laughter. In between the M.P.s and the German police lay neutral territory which no one could either leave or enter. In front of his shop next door stood the baker while his customers were held up out of reach beyond the outer cordon. A railway worker, trying to get home after night shift, was having his breakfast smuggled across a fence.

I dressed quickly, apologised to the tenants of the house for the trouble caused to them—fortunately no one concerned failed to see the funny side of what was

happening—and then made my way to the garden gate. But the guard from the military police, in spite of all my requests and explanations, absolutely refused to let me pass. I was reduced to beckoning to some German policemen and asking them to tell their chief that I had been prevented by force majeure from coming to see him.

On the afternoon of that first day of my "freedom" an agreement was concluded between four parties; the Bavarian Government, represented by an official of the special Ministry concerned with these matters; the Chief of the Nuremberg civil police; the head of local denazification bureau, Dr. Sachs; and myself. By the terms of that agreement I was guaranteed freedom to move about Nuremberg in return for which I promised not to leave the city. I kept the bargain, the other side did not. On the very next day a plain clothes man shadowed me whenever I left the house and soon afterwards guards were posted all day by my room; at night a uniformed guard took up his position in front of the house so as to keep an eye on my goings and comings. It was captivity, without bars, but none the less very unpleasant. Whenever I protested I was informed that these measures were being taken merely for my protection, though, for the life of me I neither know nor have ever been told from whom I was supposed to be protected. It was a ludicrous business but it got on my nerves.

Meanwhile, a few hundred yards away from my temporary home, my former fellow-defendants were waiting for the final decision on their appeals and a grimmer drama was drawing to a close. Every appeal was rejected.

Even after this no one knew when the death sentences were to be carried out. On the night of 15th October I found myself gripped by irresistible restlessness; somehow I felt certain that the last hour of the doomed eleven had struck, and somehow I seemed to live through their agony

with them. Once before in my life I experienced a similar sensation, when in the Lubianka prison in Moscow I gave a sick fellow-prisoner a precise description of his home and family without having ever set eyes on them.

That night, being quite unable to sleep, I got up at about five a.m. and sat down at my table fully dressed. Suddenly three American officers entered and subjected me to a regular cross-examination; they wanted to know what means of committing suicide I might have kept hidden in my cell during the course of my captivity.

Why were they asking me all these questions? They had chosen a time of day for their visit which was, to say the least, unusual and I could make no sense of their interrogation whose object seemed wrapped in mystery. I was very taciturn and had little to say in answer to their questions: when the three men left me they were evidently irritated and dissatisfied.

Half an hour later the little room was once again crowded with visitors; press correspondents. They told me that Goering had committed suicide a few hours before he was to be hanged. Half an hour before he was due to call the Field Marshal his guard, who was stationed in front of the cell, noticed the prisoner making suspicious movements and heard him groan. Without leaving his post he sent word to Colonel Andrus who arrived almost immediately and ordered the door to be unlocked. Inside he found a dying man in whose hands was clasped a letter addressed to the Commandant. Andrus took it.

The next to enter the cell were the Protestant prison pastor and two doctors, a German and an American who were present when Goering died. Between his teeth were found the remains of a phial which had contained Zyancali and a rigorous enquiry was at once put in hand to find how the prisoner could have got hold of the poison.

One of those who came to see me was the only journalist who entered Goering's cell immediately after his death.

He was an Englishman and happened to be in the prison office when, just about midnight, the warder's report reached Colonel Andrus and sent him post-haste to the dying man's cell. The Englishman described to me how, with the Bavarian Prime Minister, he stood facing Goering's corpse; a spot light in the corridor outside giving the only light in the miserable little room in which Goering had managed at the last to dodge our enemy's hangman. Suddenly the Bavarian Minister, gritting his teeth, had hissed: "The scoundrel! He ought to be hanged even if he is dead!" The Englishman's answer, so he told me, was: "It's only you Germans who can hate one another that much!"

After the reporters had left me an American came to see me, the prison clergyman. What he had experienced that night seemed to have made a different man of him. He spoke very slowly and with a subdued voice.

This man had been to see every one of the doomed men in his cell and had stood next to him as he was chained. He had gone along the corridor with them, down the ten steps of the stone staircase, round a sharp turn to the left, and into the gymnasium where the gruesome scene had been prepared. Every one of them he had accompanied up to the scaffold, waiting till he had spoken his last words and then kneeling down beside him. Together the two men said the "Our Father . . ." whilst the hangman approached with cap and rope; the "Amens" were spoken by the American alone since meanwhile the trap-door had opened.

The Pastor told me a little of how some of them died, he did not tell me much, nor indeed did I ask him.

Ribbentrop had, at long last, mastered his nervousness. With Goering gone it fell to him to open the grim procession; maybe it was that which gave him strength.

Even before midnight Keitel had noticed the noise of unusual activity in the prison corridors and had asked

the guard on duty before his cell whether the time had come. When the man did not contradict him he had known all he wanted to know. Quietly and carefully he dressed, made his bed and tidied his few belongings; then he asked for broom and dust-cloth and cleaned the cell thoroughly. He said to his guard: "Thank you for letting me leave things straight and tidy."

Kaltenbrunner, who had been suffering from brainstorms at the beginning of the trial, succeeded in regaining his self-control.

Streicher was the only one who went to pieces, screaming at those who witnessed his death that they would come to the same end.

Frank seemed to be yearning for the end. Sauckel at the last moment learned to master his fear. Jodl was completely relaxed and almost happy, his regrets were not for himself but for those he left behind.

It so happened that a few months later I was again in the prison and by an odd chance came across a small piece of paper. On it were two rows of rectangles drawn with blank spaces in between them, and a list of familiar names together with a few mysterious figures and crosses. It was a diagram of the cells and was evidently intended to help the guards in their duties during the night of the executions. After Goering had unexpectedly upset the routine this plan had obviously been hastily sketched so as to make plain to the staff the order in which the condemned men were to be taken to the gallows. As soon as one of them was on his way the Commandant would carefully mark the vacated cell with a cross and despatch the next escort with the plan in his hand.

The puzzle of Goering's suicide led to the strangest conjectures. There was even a theory that a journalist had smuggled himself into the empty court room and fixed the phial to Goering's seat with a piece of chewing gum.

Whoever followed the trial attentively may remember a little incident which was, to my mind, very significant. In the course of the evidence given against Bormann his counsel tried to argue that no verdict could legally be reached on an accused man whose whereabouts were not only unknown but whose very existence was doubtful. In the course of his speech the lawyer quoted the old German proverb: "Nurembergers hang no man they do not hold."

It was not a particularly well chosen remark and was received in stony silence except by Goering who laughed uproariously, slapping his thighs and repeating the words over and over again. For days afterwards he talked about Dr. Berghold's "apt" quotation, beaming every time he referred to it.

It was difficult to see what he found funny in the quotation; the Nurembergers of 1946 certainly held Goering and there appeared every reason to believe they would hang him. Can it be that even then he was sure they would not—that he already possessed the means whereby to dodge the hangman? I for one consider that his otherwise inexplicable hilarity at this incident makes such an assumption entirely reasonable.

It is quite certain that no member of the prison staff provided him with the poison, while though it is theoretically possible that the phial reached him via the dock, it would in practice have been almost impossible. I know from personal observation and the official report of the proceedings of the Tribunal that no one, including my fellow-defendants, knew anything about the glass splinters which I retained in my own possession; and I have no doubt that Goering found it just as easy to conceal his means of escape as I did mine and that the little glass capsule was in his possession before his arrest.

The Americans, incidentally, seem to have reached the same conclusion; for immediately after Goering's death

they introduced a rule that anyone sentenced to death was to have his cell changed at once and was to take nothing whatsoever with him to his new quarters. Even photographs and private letters had to be left behind; and the sentenced man was X-rayed during the transfer.

Goering had hoped for a sort of state funeral in Nuremberg. But his corpse with those of the other executed men was taken out of the city by American officers who had resolved to keep absolute silence about their actions. No one therefore knows exactly where the corpses were burned, though some chance observers have claimed that the Munich crematorium was used for the purpose. The ashes of the eleven were later thrown into the river Isar but at what precise point on its course is also not known. Even the Spanish Inquisition could not have displayed a more radical determination to destroy heretics in both body and spirit.

For the anti-fascist crusade was at an end and the heresy was now to be extirpated, root and branch. The mass-psychosis of our times played worse havoc than ever before with cool and statesmanlike thinking; and the slogan "Unconditional Surrender" proved the signal for a measure of arbitrary vengeance which was to jeopardise the very basis of peace.

A trial of war-guilt and atrocities at the end of a long conflict may perhaps, in the abstract, be considered a good thing. One may welcome the effort to establish a supreme international tribunal charged with the duty of seeing right is done and pronouncing from aloft a New Law for the peoples of the world. Certainly one can understand how the unhappy and innocent victims of war, cry for vengeance against those who, in the safety of their own strongholds, pulled the wires that set civilisation ablaze.

But Nuremberg failed to live up to such lofty aims; there the victors uttered their anathema only against the vanquished. They sought to establish the guilt of various

Germans, even of the entire German people; but would break off a hearing whenever they saw that the deeds of the Allies might be measured by the same yard-stick as those of the defeated.

Yet the gravest failing of the Nuremberg trial is this: it failed to transcend the guilt of individuals and reach the deeper causes of disaster. In the complex modern world it may well be possible for one nation or even one man to initiate a war; but that can only happen when the causes of war are already evident, when the powder-box is ready for the match.

The past is irrevocable. There is no point in complaints and recriminations about what has happened and is done with. We must try instead to overcome its results.

A third world war cannot be avoided by the threat of some new International Military Tribunal at the end of it, and the fact that the letters I.M.T. are written in Latin or Cyrillic, when it is over, will make little difference to the cruelty and devastation with which it is waged.

If we really wish to learn from the past a supreme and truly unbiassed tribunal must be established now; not to wait till crimes against humanity are committed, but with the power at this moment to prevent the very cause of such evil.